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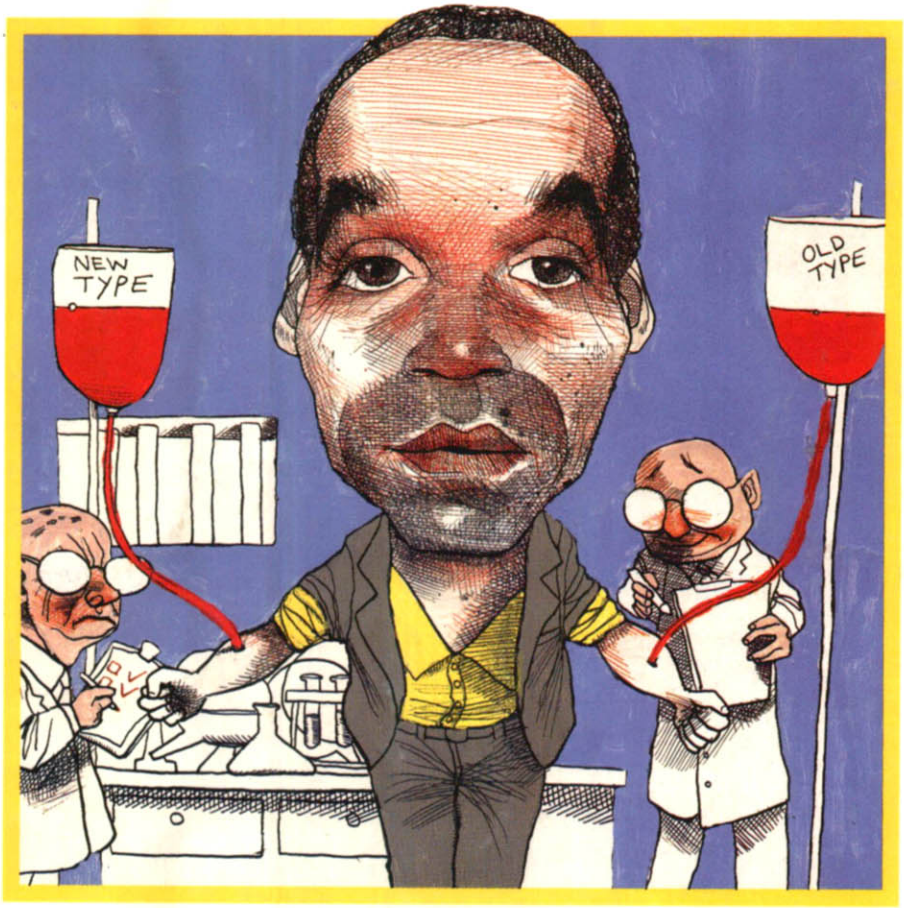

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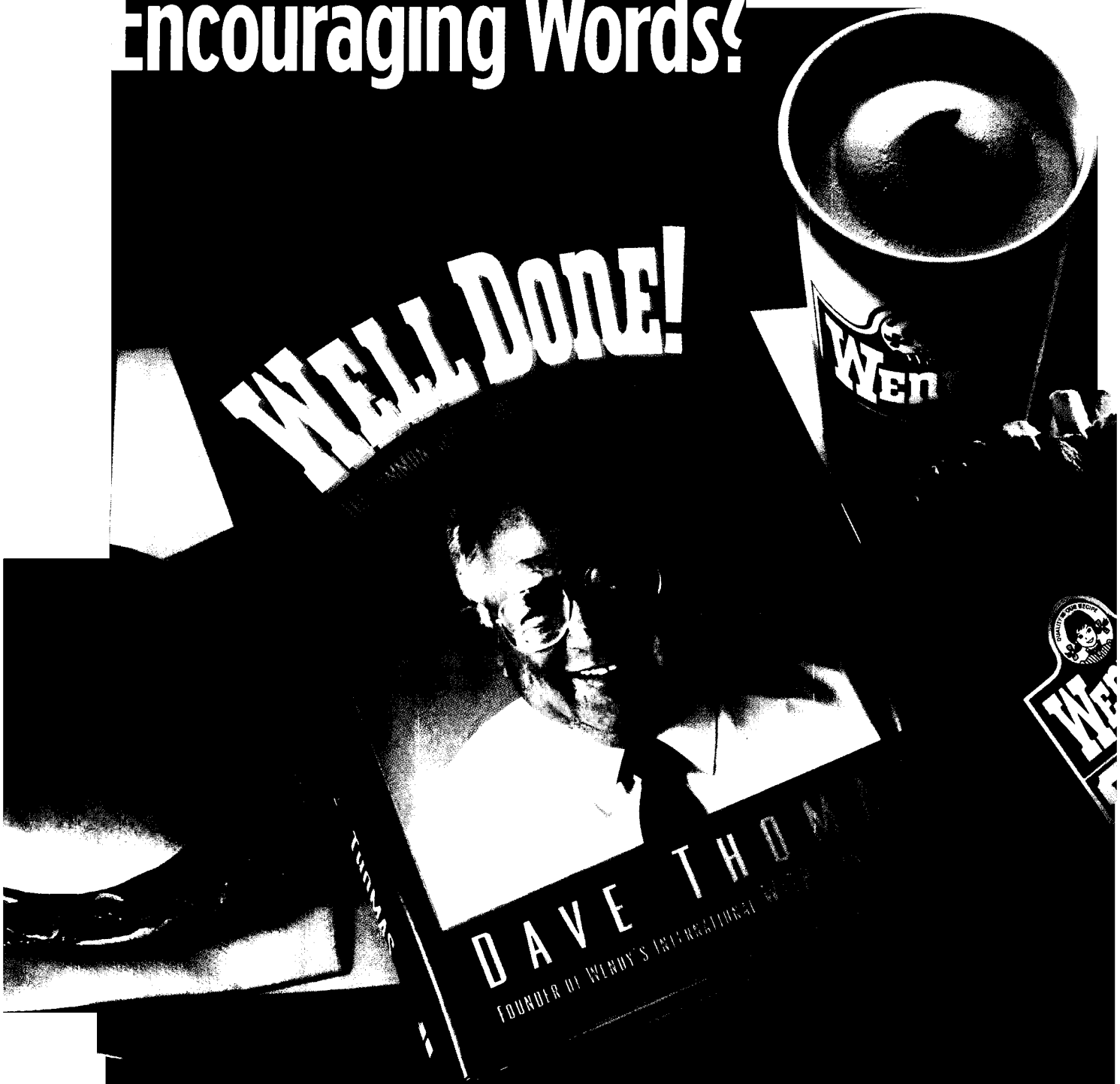

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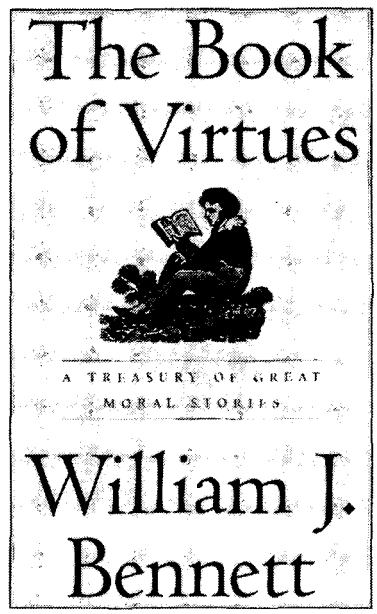

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ABOUT THIS MONTH

by

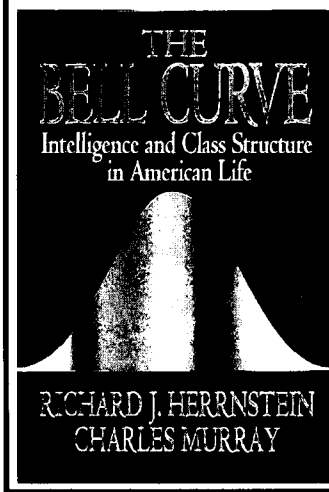
Wladyslaw Pleszczynski

LAST JULY ON A WEEKDAY TRIP to New York City, I happened to walk by the United Nations. I was appalled. The building was dirty, chipped, peeling, and cracked. The place seemed abandoned. There was no one triple-parked along First Avenue, not even a member of the Cuban Mission. Once the embodiment of post-World War II cosmopolitanism, the structure now has all the appeal of an abandoned wreck. It reminded me of the dilapidated government buildings that lined Soviet Moscow, just begging for troops loyal to Boris Yeltsin to bombard them with cannon fire. So it is with particular pride that I remind my fellow Americans that the real reason we are in Haiti today, in the words of our fearless Commander-in-Chief, "is to carry out the will of the United Nations."

SINCE OUR BOYS ARE AT THE HEAD of a "multinational force" in Haiti, it is my duty under the rules of diversity and full disclosure in wartime to report that among these multinationals will be roughly thirty soldiers from Poland. This marks the second time Poles have intervened on this island. The first came in the early nineteenth century, when a larger contingent was compelled to fight alongside Napoleon's forces trying to suppress the slave revolt led by Toussaint L'Ouverture. Bad news for Commander Clinton: a number of these earlier Poles joined the other side. And, assuming Clinton thinks himself another Napoleon (which would leave Hillary in the unhappy role of Josephine), more bad news: In the spirit of Austerlitz, P.J. O'Rourke this month thrusts a bayonet deep into what he delicately describes as "the scum beneath the [presidential] flab" (see page 22).

THIS FETID ADMINISTRATION IS GOING the way of the United Nations complex—and maybe despoiling the rest of us as well. The Clinton Justice Department abruptly reverses itself in a pathbreaking affirmative action case, and tries to conceal the active support it gave its predecessor's position (see Terry Eastland, page 63). The Clinton State Department's point man in appeasing Castro once took part in secret talks with Havana (see John Corry, page 50). "Father" Aristide's Washington flak hits the airwaves to lie for his *marxiste* client, and it's never reported by the likes of Ted Koppel and Maureen Dowd that this "adviser" and "aide" earns not only more than all the Haitian police together, but more than the Commander-in-Chief himself (see Christopher Caldwell, page 90). Meanwhile, Clinton's social totalitarians are now thinking and acting globally, leaving open the possibility that they actually see the U.S. under their rule as the legitimate successor of the USSR (see Tom Bethell, page 18). A bigger worry still is that everything seems to be breaking the often-confused Republicans' way (see Robert D. Novak, page 48, and Grover G. Norquist, page 66). As Dave Shiflett warns (page 70), it's easy to lose perspective: In today's climate, even a GOP stalwart like Al Capone is being given a second look.

THE CONTROVERSIAL ROLE OF INTELLIGENCE IN HUMAN DESTINY



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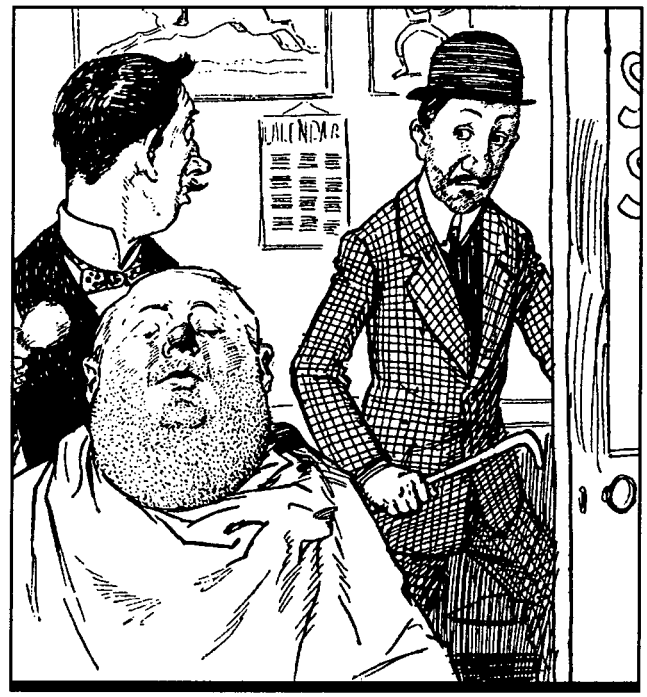
• September was another great month for Our President! Mr. Rush Limbaugh remarked on him 6.2 percent fewer times than in August—perhaps Mr. Limbaugh was distracted by the cancellation of the baseball season. Our President's health-care package has been completely scuttled. Mr. Jay Leno only mentioned Mr. Clinton half a dozen times; and among Our President's friends and associates the suicide rate dropped to its lowest level since the buoyant first days of his presidency. Then, too, those indictments that were expected on September 23 of Arkansas Governor Jim Guy Tucker, Esq., former Fulbright aide and Clinton business partner James S. McDougal, Esq., and Webster Hubbell, Esq. never came in. Still it was a stupendous month. When Mr. Eugene Corder crashed his Cessna 150 into the White House on September 12, Our President was safely across the street, sleeping soundly and chastely in Blair House. Four days later he was again safe—this time in the White House residential quarters discussing Haiti and world voodooism—when six fire trucks roared through the White House's West Gate after Miss Dee Dee Myers perceived a "strong odor" on the second floor. (It was a false alarm, and Miss Myers has got to get control of herself.) Nor was Our President in any way endangered when 79-year-old Mr. George Nikolopoulos, a World War II veteran from Roswell, New Mexico, fell ill during a White House tour. Actually, on the campaign trail Our President travels unmolested. In the Midwest, the South, the Far West, hardly anyone shows up. Late in September, when he flew into Kansas City to arouse the dopes, only 40 people greeted him!

• Hillary Rodham Clinton, Esq. enjoyed a pretty good month. When she went to Martha's Vineyard for vacation, the anticipated mass exodus failed to take place. A construction worker actually whistled at her. Chelsea is back in school. And after years of affecting the burlap-bag look, Mrs. Clinton finally earned a spot on *People* magazine's Worst Dressed list. On September 19, she hosted a White House reception for the fashion industry and gamely displayed the fiftieth revision of her original Bulgarian sheepdog hairdo, this one being a soft pageboy. Mr. Ralph Lauren appraised her thus: "She's sharp. She's bright. She's kind." He promised to vote for her if she runs for president. (Mr. Lauren is one of those political morons who feels the highest compliment one can accord a private citizen is to recommend him or her for the presidency, notwithstanding the low opinion he reserves for everyone who has held that office since Roosevelt II.) The *Washington Post* reported that Miss Dawn Mello, president of Bergdorf Goodman, "brushed back a tear as she emerged from her brief encounter with [Mrs.] Clinton in the Blue Room." "I can't help it," she sobbed to fashion designer Donna Karan. The catty Miss Karan added, "Mrs. Clinton is a much bigger person than fashion"—a problem that was not disguised by Mrs. Clinton's imprudently high hemline.

• In other Washington news, former columnist Mr. Michael Kinsley has been offered a six-figure contract to become "manicurist to the stars." The offer comes from Mr. Pedro Manzana, president of the highly respected manicure service, Marble Rodin. Noting Mr. Kinsley's apparent loss of interest in current affairs and his increasing absorption with Epicureanism, Mr. Manzana points out that as a manicurist at Marble Rodin Mr. Kinsley will be offered the opportunity to polish the nails of such celebrity figures as Mrs. Jack Kent Cooke, Mr. Marion Barry (a.k.a. Anwar Amal, meaning Bright Hope), and many members of the Clinton White House. If things work out, he may even have the opportunity to give the president a pedicure. The *New York Times*'s Anna Quindlen is giving up her syndicated shriek and returning to the kitchen, the sitting room, and a Lucullan bathroom that her wealthy husband has built for her. The first superpower confrontation of the Post-Cold War was sidestepped when Ex-President Jimmy Carter interceded at the last minute, averting war between



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the United States and the forces of international voodooism. Our President's crime bill passed, and in Chicago Rep. Mel Reynolds, the reform Democrat who in 1992 defeated Rep. Gus Savage, was indicted on only twenty counts of criminal conduct, including child pornography, criminal sexual assault, aggravated criminal sexual abuse of a child, and obstruction of justice. The Hon. Reynolds is a Rhodes scholar.

• Early in the month Colonel Muammar Qaddafi, the Libyan strongman who controls his country with an iron fist, observed the twenty-fifth anniversary of his improbable rule. In Tripoli, he reviewed a military parade in a short-sleeved uniform, looking like an elderly Italian grandmother fresh from the kitchen—resplendent in black babushka and a cheap khaki house dress bedizened with resplendent military medals. After vaporizing the $30 million estate of her late husband, Averell Harriman, Ambassador Pamela Digby Churchill Harriman is being sued by Mr. Harriman's daughters for breach of fiduciary duty. With her as defendants are Democratic stalwarts Mr. Clark Clifford, Mr. Paul Warnke, and Mr. William Rich III, all of whom are accused of fraud and violations of RICO. Apparently, Mr. Lloyd Cutler is going to do for them what he recently did for Our President.

• Two champions of the civilized order passed away: Sir Karl Popper, 92, a philosopher and defender of democracy, and Professor Richard Herrnstein, 64, a philosopher and expert on intelligence who on occasion contributed to these pages. Death also claimed Mr. Jule Styne, 88, the legendary songwriter, who will be remembered for such beloved standards as "Three Coins in the Fountain," "Everything's Coming Up Roses," and "Time After Time." But then what about such flops as "You're One Big Avocado," or "There's a Club in My Club Sandwich," or hundreds of other songs no one ever sang on stage or in the shower?

• In Clearwater, Florida, friends of abortion remain irked over the indictment of Miss Kawana Michele Ashley for allegedly killing her six-month-old fetus by firing a pistol into her womb. September ended and still Mr. Alvin Straight, 73, remains with his brother in Blue River, Wisconsin, tinkering with his historic lawn mower. Adjudged too blind to drive a car, Mr. Straight drove the mower 240 miles from his home in northwestern Iowa to Blue River, where he visited with his 80-year-old brother. Arkansas state trooper Mr. L.D. Brown filed suit against Governor Jim Guy Tucker for illegally demoting him after he revealed in these pages that Our Playboy President was always a lot of fun. Investigations continue into the loose practices of Secretary of Commerce Ron Brown, Secretary of Agriculture Mike Espy, and Secretary of Housing and Urban Development Henry Cisneros. Moreover, Independent Counsel Kenneth Starr continued burrowing into a dozen or so aspects of this thing called Whitewatergate. So what ever happened to the Washington catch phrase "sleaze factor"? Retired, unindicted, unconvicted Reaganites want to know.

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Diatribe

I write in response to a foolish essay by Jeremy A. Rabkin that appeared in your August 1994 issue ("Double Immunity"). Because Rabkin does not discuss the merits of the legal arguments for and against my view that civil lawsuits against a sitting president arising out of conduct alleged to have occurred before the president's election should ordinarily be held in abeyance until the president leaves office, I will not address the merits in this forum. Instead, I will confine my remarks to the gratuitous ad hominem nature of Rabkin's piece.

Because I agree with President Clinton on this issue, Mr. Rabkin absurdly suggests that I would sell my constitutional soul to "send the Clintons a . . . message of devotion." My conclusions about the meaning of the Constitution are not for sale. Although I strongly support the president and Mrs. Clinton, and believe in what they are trying to do, I am on the record as strongly opposed to many of the constitutional positions that have been taken by the present administration—on issues ranging from gays in the military, to the rights of resident aliens, to the validity of various telecommunications regulations, to the president's power to invade Haiti without Congress's consent, to the need for Senate ratification of the Uruguay Round as a treaty. Indeed, the Clinton Justice Department and I are arguing on opposite sides of a major constitutional case now pending in a U.S. Court of Appeals.

As to my view on the question at issue in Rabkin's piece, I am by no means the only scholar "of any real stature" who "came forward to endorse" the thesis that this type of civil suit ought to be delayed absent a showing of extraordinary need for urgent resolution. Among others, Yale Law School Professor Akhil Amar, one of the most distinguished constitutional scholars of his generation, and Professor Susan Bloch of Georgetown Law School, the author of *Supreme Court Politics*, have both published essays reaching essentially the same conclusion.

Despite Mr. Rabkin's confused attempt to make political hay of a change in the nuance of my thinking during the decade between the first and second editions of my treatise *American Constitutional Law*, my view for as long as I can remember has been that giving a sitting president absolute immunity from *criminal* proceedings prior to impeachment and removal from office represents an extreme solution to an institutional concern best dealt with in less drastic ways. Delaying *civil* suits (which, unlike criminal charges, can be brought by any individual) arising out of alleged pre-presidential or otherwise unofficial misconduct until the president leaves office is entirely consistent with this. In light of the unique risks of abuse inherent in such actions, it is my judgment that the constitutional balance between providing immediate redress to individuals alleging wrongs, and permitting the president to exercise without distraction the responsibilities delegated by Article II of the Constitution, must be struck in favor of preserving the president's energies for fulfilling the constitutionally mandated duties of that office. Contrary to Rabkin's suggestion, delaying such litigation until the president leaves office would create no "immovable barrier to civil suits against the president."

Finally, Mr. Rabkin's observation that my second edition urged "holding presidents . . . accountable even to civil suits" without offering "the slightest hint that such suits would [sometimes] have to be delayed until the president left office" is nothing more than a misleading half-truth. In fact, the section of my treatise Rabkin cites—which dealt with the Supreme Court's 1982 decision in *Nixon* v. *Fitzgerald*—does not discuss at all the question of lawsuits against a *sitting* president arising out of alleged unofficial misconduct. As Mr. Rabkin must be aware, our history is not exactly replete with instances of such litigation.

—Laurence H. Tribe
Ralph S. Tyler, Jr. Professor of Constitutional Law
Harvard University Law School
Cambridge, Massachusetts

Jeremy A. Rabkin replies:

I thank Professor Tribe for responding at such length to my "foolish essay." I will not quibble about the stature of Susan Bloch. Nor will I quibble over how much Tribe's positions actually depart from those embraced at any particular moment by the Clinton Justice Department. On such issues as gays in the military, one may well wonder whether "the President and Mrs. Clinton" (in Tribe's telling phrase) would be at all disappointed to see their ostensible legal position (forced on them by political expedience) overturned in the courts. But let us stipulate that Tribe is capable of disagreeing with "the President and Mrs. Clinton" on some issues.

Tribe still cannot expect serious readers to believe that his current expressions of support for presidential immunity on behalf of the Clintons are consistent with his own past pronouncements. Tribe now says that "for as long as I can remember" his view has been that the president should be liable for criminal prosecution while in office. Is he pulling a Clinton with this evasive phrase or does he really have such a short memory? In fact, the 1978 edition of Tribe's treatise (at page 202) labeled as "the sounder view" that "a President cannot be criminally tried prior to impeachment and removal." Only in the 1988 edition of the treatise did Tribe claim (at page 269) that "the burden should be on those who insist that the President is immune from criminal trial prior to impeachment and removal from office."

This flip-flop—which Tribe now tries to pass off as a mere "change in nuance"—points to the central issue raised in my article. If Tribe could overcome his previous doubts and embrace the view that a sitting president should be liable to criminal prosecution, how can he now argue that a mere civil suit by a private person is too disruptive for the chief executive to answer while in office? Wouldn't it be a lot more disruptive for President Clinton to have to answer an indictment secured by an independent counsel in a criminal case?

In fact, Tribe's letter is quite implausible in its claim that the later edition of the treatise has no relevance to the current question of civil liability for a sitting president. The treatise cheerfully reviewed a number of cases in which sitting cabinet secretaries (and a sitting state governor) were subject to civil litigation and it offered not the slightest hint that suits against the president should be differently handled. Moreover, Tribe went to some length in that section of his treatise to show that the Supreme Court's 1982 deci-

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sion in *Nixon* v. *Fitzgerald* provided only limited immunity from civil suits against the president, and even this immunity, Tribe contended, might be withdrawn by subsequent legislation. If Tribe had thought then that the president had a constitutional entitlement to put off civil suits until he left office, it is strange that the treatise made no mention of this point. Why, for example, encourage Congress to pass a law restricting presidential immunity from civil suits (as the treatise essentially did), without acknowledging that such a law would still have to allow the president to escape answering such suits until his return to private life?

Finally, I should respond to Tribe's complaint that my piece was "ad hominem." I don't think it is particularly heinous for a lawyer to argue different positions from one case to the next. Different clients will naturally need different defenses. That is how lawyers make a living. If Professor Tribe has received more than his share of pointed fingers and cries of hypocrisy (I am by no means the first to complain of Tribe's periodic repositionings), it is perhaps because he is so quick to justify himself with pious postures and self-important rhetoric—such as his protest here against an article "absurdly suggest[ing] that I would sell my constitutional soul." The Constitution has done so well for Tribe over the years, no one can doubt that he is quite devoted to it—in his own way.

Unhung Henry

It was annoying to discover a P.C.-style psychobabble critique of HLM in the September 1994 *TAS* ("Hung-Up Henry," by Kenneth S. Lynn). In just three tongue-in-cheek (hopefully) pages we learn the young Henry was suicidal and resented his father. He then went on to become depressive, hypersensitive, hypochondriacal, narcissistic, VD-infected, workaholic (gasp!), racist, vile-mouthed anti-Semite, whorehound, with a fear of strong women (get it?)—and don't forget the well-developed castration complex. Hey, Lynn forgot about being a shill for the tobacco industry with those cigars and mass-murderer from all that second-hand smoke. What about the constant skewering of Roosevelt 2—definite cripophobia. Wasn't the short portrait of Valentino an outburst of homophobia? For a more balanced view, refer to the man's own mellow and reflective *A Choice of Days* and consider that his last seven years after the stroke were borne without rancor or complaint, though he was not able to read or write.

—George Breindel
Sumas, Washington

Kenneth S. Lynn replies:
All I wish to say in reply to Mr. Breindel is that H.L. Mencken is one of my heroes, not least because yahoos never fazed him.

Don't Bovard That Joint

People love to hate the welfare bums, and James Bovard sure knows how to fan the flames ("Suburban Guerrilla," *TAS*, September 1994). Predictably, though, in publications like yours, analysis is so narrow. It's tougher to take a broader perspective, and just so annoying to tell your readers that racism not only remains strong, but that it is more entrenched and institutionalized than when black people couldn't even walk into a bank, let alone borrow money from it.

If Bovard doesn't want an aggressive housing policy that is supposed to help poor people, will he write in support of a policy that all new job growth has to be inside our decaying cities, or at least directly accessible by mass transit? That way, poor people could get to the employment office, and the affluent could drive in from the 'burbs. Opportunity would be more egalitarian.

In most metropolitan regions, new investments in jobs are usually far from Section 8 housing. How should the poor apply? They can commute by car—which is difficult for poor people. Or they can live nearby. That's not easy either in suburban areas where, unlike a city, there is rarely a mix of housing costs.

They should take a bus? Fat chance. Buses now are deliberately kept out of certain areas. Many developers and local officials don't want *bus lines*—get the code words?—coming anywhere near new office parks and shopping malls. After all, you know who rides buses (please be polite . . .). What about an investigative piece on that topic?

Please delineate a conservative social policy that will break the above Gordian knot. People need to work, but Bovard knows that the time is long gone when burgeoning factories and office towers combined with a city's "geographic opportunity"—its accessible locale—provided almost everyone with a range of skilled and unskilled jobs. Just as critically, the density of the urban economy provided an economic spin-off that supported small shops and restaurants, shoe shines, produce markets, a tremendous variety of fledgling economic enterprises that at least gave a chance to scrape out a living, and maybe do better.

That urban economy was deliberately undercut, partly because of racism and partly because of complete obeisance to the automobile. What about an investigative piece on that topic? Now we have a planned economy of office parks and malls and distant giant production centers. Those plans provide opportunity for a few, the rest can go to hell. Economic spin-off is grabbed by restaurant chains, video chains, boutique chains, auto dealers, and similar franchise operations.

It's easy to make fun of unpopular welfare/housing. Now do the hard part: report the fact that in 1994, we still build segregated communities. Ask Mr. Bovard to analyze the much larger, overwhelming question—Why do we not only tolerate, but actively promote, deliberately exclusive economic and social policies, and then take such high-handed joy in cluck-clucking when elected officials try to deal with the tragic fallout from those policies?

—Thomas F. Ewing
Cincinnati, Ohio

For whatever it's worth, I just wanted to say I agree with Mr. Bovard's assessment of Henry Cisneros's feather-brained scheme completely. I once worked for a landlord who accepted Section 8 tenants, and I can tell you from experience that the incidents of abuse your article documented were not unlike the situations I had to deal with. Despite such problems as drug abuse, public drunkenness, fights, shootings, stabbings, boarding unauthorized individuals within units, unreported income, failure to pay rents as little as $25 per month, and vandalism to the landlord's own property, they refused to evict any troublemakers, in order to maintain the government-paid funds. There were also tenants who had been on the program for as long as ten years and no indication they were making any attempt to achieve financial independence. Although the majority of the recipients were black, the people who suffered and complained most from the abuses were also black.

One aspect that the article did not

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mention but is worth pointing out is that any unpaid portions of the tenants' rents are guaranteed by the government, as are the costs of damages to the property due to vandalism or other careless behavior on the tenants' part. Technically, the tenants are required to reimburse the government for the guarantees—good luck.

The Section 8 program is virtually a financial underwriter for uncivil, pathological behavior. Instead of being expanded into suburbia, it deserves to be junked from top to bottom. At minimum there ought to be a two-year limit for recipients, with no exceptions.

—Christopher D. Marotta
Gaithersburg, Maryland

James Bovard's attack on Henry Cisneros's forced migration strategy is generally on target, but his critique of the Section 235 program is slightly off base.

The driving principle of Section 235, enacted in 1968, was not "using tax dollars to forcibly mix different economic classes," as Bovard claims. It was to enable qualified lower-income families to achieve home ownership, but there was no intent to push inner-city families into high-priced suburbs.

Sec. 235 was a Democratic transmogrification of the Percy-Widnall home-ownership proposal, co-sponsored by all Republican senators and some 112 GOP House members. The intent of the Republicans was to provide a monthly mortgage subsidy to buyers who were part of nonprofit neighborhood self-help housing-rehab programs, instead of having the government pay the full up-front cost of purchasing unmarketable FHA mortgages. Incidentally, the present Section 8 described by Bovard was an outgrowth of Section 23, a program promoted by House Republicans to replace the horrendous public housing high-rises favored by the Democrats who ran most of the nation's cities.

The Democrats were not interested in the self-help programs, rehab, or support for fledgling home buyers. They wanted new construction and union jobs—six million new units in the coming ten years. That goal could be attained only by eliminating the social support and offering extremely deep subsidies to attract as many buyers as quickly as possible. These buyers served as the excuse for transferring taxpayer funds to contractors and their mostly white and (thanks to the Davis-Bacon Act) usually overpaid workers.

But even the Democrats, keenly aware of the racial tensions exacerbated by the urban disorders of 1967-68, did not see Sec. 235 as a method for pushing lower-income home-buyers into tony suburbs. That brilliant idea awaited the coming of Clinton and Cisneros, as Bovard amply documents.

For the record, as the chief draftsman of the Percy-Widnall home-ownership bill, I urged Senator Percy to vote against the Democrats' wrong-headed version of the idea, but he didn't.

—John McClaughry
Institute for Liberty & Community
Concord, Vermont

James Bovard's excellent article reminded me of my own professional experiences with the Section 8 housing program.

In the mid-1980s, I served as director of security for a large housing complex in New York City's Washington Heights district. We had several Section 8 tenants and they were responsible for the bulk of the violence, crime, vandalism, drug use, and noise. Whenever my officers responded to a domestic dispute call, nine times out of ten the combatants (husbands and wives, children and parents, or lovers and other strangers) were part of the Section 8 program.

One family contributed a son who robbed and sexually mauled women who were on their way to work in the morning. He was dubbed "The Rush Hour Bandit" by reporters covering the crack war in Washington Heights. This predator's siblings, although not quite so violent, were nonetheless far from being pillars of the community.

When we attempted to evict this one-family crime wave, we were blocked by the Section 8 bureaucracy. This family, along with other Section 8ers, made life miserable for the rest of the residents, who blamed me and my officers for the chaos perpetrated by these troublemakers. I discovered early on that it is easier to convict than evict when it comes to Section 8 tenants.

—James J. Kouri, CPP
Director of Security
New York Hall of Science
Flushing Meadows, New York

As interest in the voucher system of subsidized housing has grown, conservatives and liberals are drawing ideological battle lines to exploit the new political capital created by this issue. Trying to gain the high ground for conservatives, policy wonk James Bovard has penned an essay pointing out some truly disturbing aspects of this growing niche in public housing. We should not, however, condemn the entire concept because of the ineptness of the current administration or undisciplined legislators who think more money always means a more effective program.

Indeed we would be displaying extremely short memories, as the Reagan administration wisely promoted this concept as an efficient means to provide decent housing for the underprivileged. Implemented in 1983 as a part of Reagan's attack on wasteful and destructive welfare programs, it was opposed at that time by the left as it threatened the entrenched interests of the poverty industry. The program gained only limited funding and by 1986 had barely 12,000 families enrolled nationwide. A logical alternative to the destructive system of segregating the underclass into site-specific "projects," vouchers bypass the bureaucrats and provide purchasing power and, more importantly, choice directly to those in need. Any capitalist worth his salt can see the benefits of this more market-oriented approach.

Benefit number one is the quality of subsidized housing tends to rise as property managers approach a more evenly distributed motivation for investment and property maintenance. There is currently little motivation for bureaucrats or slumlords with guaranteed tenants and incomes to keep site-specific public housing in working order. In a voucher system, tenants have the option to take their purchasing power to the site of their choice placing all operators in a competitive posture.

Another benefit is the ability to provide public housing more efficiently. As privately managed properties absorb the voucher holders, the need for budget skimming public-payroll administrators, maintenance men, housing police, etc. will decline rapidly.

On both of these points, Mr. Bovard correctly identifies two major flaws in the program as currently administered. Excessive, above-market payments quickly undo the potential gains in budgetary efficiency, and onerous restric-

(continued on page 78)

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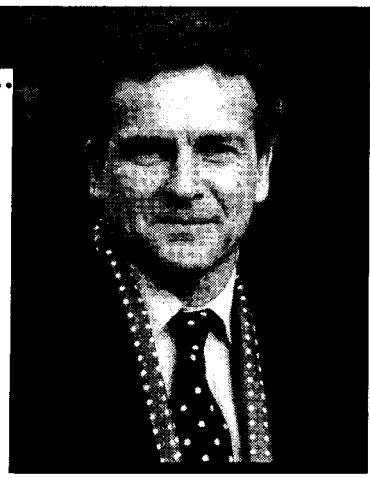

Ever Jimmy

by R. Emmett Tyrrell, Jr.

Did you catch the front-page interview of former President Jimmy Carter in the *New York Times* the other day? It was a perfect substitute for a deficiency that the *Times* prides itself in, no comics page. Carter presents himself as a poet, a harasser of Warren Christopher, a stalker of presidents, and a ladies' man with a special hankering for the wives of dictators. I cannot recall any other admirer of the fair sex ever having a special eye for the wives of dictators. Not even dictators have an eye for the wives of dictators.

Jimmy does, and in this historic interview in the *Times* he glows over the assets of two such beauties, but only after reading one of his idiotic poems. Jimmy also reminds us that he once called Warren Christopher, then a member of his State Department, "the finest public servant I've ever known." I thought at the time that it was not a very kind thing to say about a man of such obvious mediocrity.

Now that Christopher is Bill Clinton's secretary of state, Carter will not leave him alone. He pops up in the midst of the administration's every (well, almost every) foreign policy disaster. During the embarrassment with North Korea, Carter was there. When things looked grim in the Middle East, Carter threatened to fly in. In mid-September, at the height of the Haitian blunder, the anile figure of Carter was off to Port-au-Prince, leaving Christopher to spend Saturday afternoon at the movies watching *Quiz Show* with his deputy Strobe Talbott. Now Carter expresses his wonderment that Christopher is not appreciative.

Nor will Jimmy leave seated presidents alone. After depicting his 1980 opponent Ronald Reagan as everything from a tool of Kapitalism to an agent of the South African government, he was publicly miffed when President Reagan did not repair to him for foreign policy advice.

Americans might recall that President Carter's foreign policy was among the country's most amateurish, transforming a friendly Iran into a dungeon for American diplomats, delusionally imposing "human rights" on Moscow, then kissing Brezhnev in public, then pathetically witnessing the Soviet invasion of Afghanistan. Now, Carter admits in the *Times* that he sought to thwart President Bush's request for a U.N. Security Council resolution ordaining military measures against Iraq. Carter sent letters to members of the Security Council asking them to oppose President Bush.

Obviously the old boy is non compos mentis. His poetry reading suggests it, his enchantment with the dictators' ladies confirms it. Apparently he has written an entire volume of dithyrambs that will soon be published. The First Amendment being what it is, there seems to be no way to avoid it. One is called "With Words We Learn to Hate." According to the *Times* it reads thus:

> We justify our nation's wars each time with words to prove we kill in a moral cause. We've cursed the names of those we fought—the "Japs" instead of Japanese, German Nazis or the "Huns," and "Wops"—when they were enemies. Later, they became our friends, but habits live in memories.

Jimmy calls that a poem, but consider what he says about the former Ethiopian dictator Mengistu Haile Mariam (who he admits was a killer), "I found him to be charming." And on to Mengistu's wife, "one of the most beautiful women I've ever seen in the world, she was like King Solomon's daughter, and eloquent and personable." As for General Cédras's wife, during his recent visit to Haiti Jimmy

Jeff MacNelly (1980)

Adapted from RET's weekly Washington Times *column syndicated by Creators Syndicate.*

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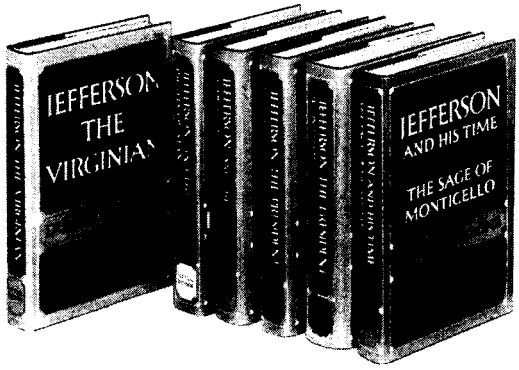

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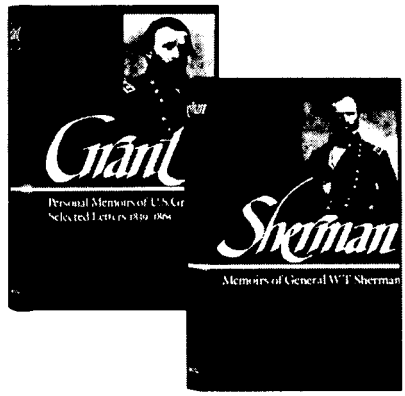

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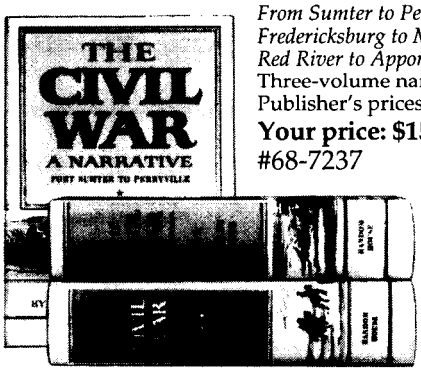

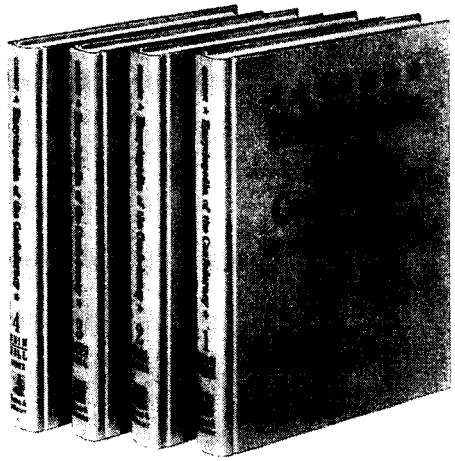

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found her "impressive, powerful and forceful. . . . And attractive. She was slim and very attractive." I have no views on either Mrs. Cédras or Mrs. Mengistu, but I can tell you Mr. Mengistu is responsible for the deaths of tens of thousands. General Cédras is nicer.

Incidentally, Jimmy does not like Mrs. Thatcher and would not suffer the "waste of a stamp" soliciting her support against President Bush on the Security Council. He probably does not think her very pretty, either. ❐

James J. Griffitts, M.D. R.I.P.

It is with great sadness that I contemplate the death of James J. Griffitts, M.D., my friend and one of the most generous and thoughtful friends that *The American Spectator* has ever had.

Doc Griffitts was a friend of freedom and of the Republic. He loved our American institutions. At a time when they were being shamelessly exploited by political opportunists, Doc did what he could to shore them up. He made the administration of *The American Spectator* easier by his generous support, friendship, and wise counsel. He was a devoted healer, a doctor of the first rank. He was also a shrewd businessman. Then too, he was a truly civilized man, a voracious reader, a connoisseur of prose. He was a clever columnist, and he authored an engaging collection of biographical essays, *Call Me a Doctor,* which we were so proud to publish, in which he retailed the stories of men who went on from medicine to other things. Doc now is going on to other things, bigger things, and we hope he will remember the multitudes of friends he has left behind. We still need him.

—*RET*

Plutonium and the President

As Our President pratfalls his way through his fantasy presidency, ominous discoveries are being made throughout the world. Our President goes on vacation and cuts the military budget. He dines with The Stars and cuts the military budget. He boldly plays the game that rendered Dwight D. Eisenhower derisible to Our Progressive Intelligentsia and cuts the military budget. Funding for the military in real dollars has declined nearly to pre–World War II levels. At Martha's Vineyard he boasted of reading whole armfuls of "thrillers." I hope he read some intelligence reports on the plutonium that German security officers have been intercepting from Russia.

All the world has heard of the August "sting" operation at Munich airport that netted 300 grams of plutonium being bootlegged from Russia. A more alarming German seizure took place in May, though it was kept secret for months. In the garage of one Adolf Jaekle, a 52-year-old entrepreneur living along the Swiss border, the German secret service discovered six grams of plutonium 239. What made this discovery so alarming was the astounding purity of the plutonium. At 99.7 percent, it could be used to create pocket-sized nuclear weapons. Russian scientists have admitted that the Soviets were intent on creating nuclear bombs capable of being smuggled into Western cities. In September of last year, a Russian nuclear expert, Professor N.V. Polynov, speaking at a conference in New Mexico, related that the laboratory he worked in had refined extremely pure plutonium with gallium in an alloy for military purposes. This is the material that the Germans discovered in Jaekle's garage.

There is still more evidence that state-of-the-art Russian nuclear technology is on the market to terrorists and outlaw nations. A German legislator, Peter Struck, said on August 19 that Jaekle had received an offer of around $100 million for his treasure. The buyers mentioned were North Korea and Iraq. One hundred million dollars is not all that much to one of these nations—or for that matter to some international terrorist organization—if it offers the hope of, say, holding the United States hostage. Scientists claim that plutonium of the purity found in the wretched Jaekle's garage could be used in a nuclear device small enough to be put in a coffee jar.

Obviously the civilized nations of the world should be developing weapons capable of defending themselves from such horror. With the proliferation of inexpensive missiles, the civilized nations should be developing defensive weapons envisaged in the "Star Wars" programs of the 1980s. Instead, Our President is allowing research into new weaponry to go the way of the military budget, to wit, towards decline.

For over a year, authoritative voices from the General Accounting Office to the Heritage Foundation have been claiming that the defense budget over the next five years has been underfunded by from $100 billion to $150 billion. Now Deputy Defense Secretary John Deutch has come forward and tacitly acknowledged that our penny-wise and pound-foolish leaders in Congress and the White House have woefully underfunded national security. In what may prove to be a historic memo, he has notified the heads of the armed services to plan on delaying major weapons systems for several years. Unfortunately, so tight is the military budget that it is questionable whether the armed services can even maintain their present weapons systems. Training exercises are being cut back. Personnel shortages are developing.

Nonetheless, as the *Wall Street Journal* has observed, the U.S. is cutting funding while deploying troops "to more world hot spots than ever before." This is typical of Our President. He has now sent troops to Haiti to challenge a tiny army—yet he will not challenge Congress to fund them. ❐

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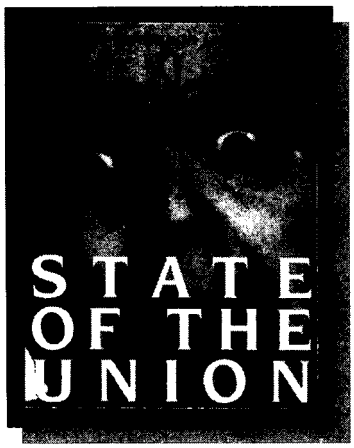

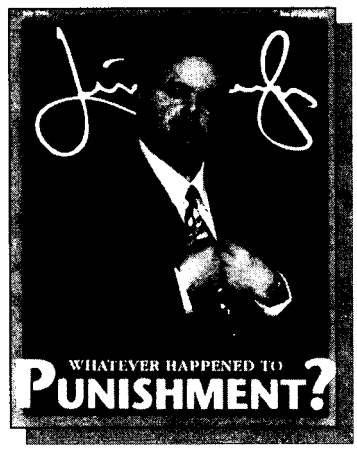

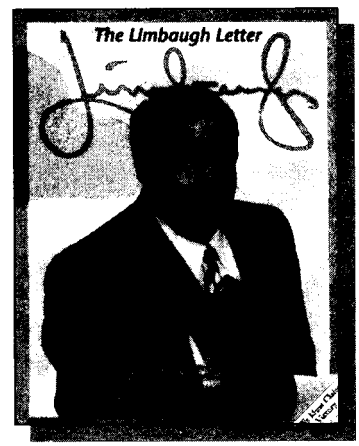

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The New Comintern

by Tom Bethell

Last month I noted what a bizarre movement American-style liberalism has become. Since then, the feminist-dominated conference on population in Cairo brings us more evidence. So, for that matter, does the Clinton administration's desire to install an anti-American defrocked priest as president of Haiti. This month I'll try to examine in a little more detail the ideas that animate contemporary liberalism. But first a few reflections on Cairo.

According to the *Wall Street Journal*'s summary, Vice President Gore "chided the world" on the opening day of the conference. What had the world done now? It was guilty of a "willful refusal to take responsibility" for its population growth, he said. What a silly man we do have as vice president. He never seems to suspect that the dire news his staff feeds him serves a political end. Global warming, did someone say? He will set off down the corridors of power and round up the votes to save the planet. Another crisis averted! He's the liberals' pet wind-up pol. The conventional Beltway wisdom is good enough for him. The notion that there may be such a thing as politicized science hasn't yet crossed his mind. Wait, now there's a population explosion? Women's rights being neglected in the Third World? Another worldwide crisis! Off to Cairo he goes, there to chide the world.

The conference brought to mind a couple of old left-wing phrases. "Ugly American" was one. Another was "Yankee imperialism." One or two delegates were even heard to mutter the word "genocide." But for obvious reasons the American news media didn't put these signs of native restlessness in the headlines. They know *good* Yankee imperialism when they see it. The idea that America might be less than popular when it tries to foist the latest progressive notions onto the world is something that the *New York Times*, for one, will play down.

One thing this tells us is that modern-day liberalism is driven by global ambition. The United States is a mere sliver of its concern. In that respect liberalism resembles the Catholic Church, with which it is ever more conspicuously at odds. It's the whole world that must be reached—before it's too late. I realize that belief in a looming population crisis antedates modern liberalism. By the 1950s, population was on the Ford Foundation and Rockefeller family agenda. But this was more naïveté than ideology. Gullible scientists, World Bankers, and liberal Republicans thought the Malthusian calculus was reliable (although it was refuted by British census data while Malthus was still alive), and guilt-edged heirs worried that the hungry hordes might one day come ashore at Montauk and Greenwich.

Today it's all far more ideological. Most of those who have bothered to look at the data know that calories per capita are increasing and that the "crisis" is as remote and unreal as ever. It is now more cynically viewed as an opportunity: a pretext to break down traditional customs and mores; to fix up the natives with condoms, spermicides, and jellies; to "empower" the women; and to send Bella Abzug and Jane Fonda abroad as missionaries for the American Way. (All this talk about the lack of women's rights in the Third World is off target, incidentally. It's the very *idea* of rights, for men or women, that still hasn't caught on in most parts of the world. In the resulting polities of power, women are inevitably at the mercy of men.)

Here is a depressing change that we should ponder. In the 1950s, '60s and '70s, it was the Soviet Union that carried the ball for the progressive cause, bringing the good news of collectivism unto the Third World and duly enrolling converts in Moscow's Patrice Lumumba University. Now America is the missionary, preaching a politics of "change," with a license to annihilate imperfection. Under Clinton, we seek to export the latest left-wing notions to the world. Sen. Barbara Mikulski of Maryland hoped that, if only the Vatican hadn't intervened, the conference would "plan the status of women around the world." The conference bore the convenient "U.N." fig leaf, but this increasingly disguises the goals of American leftists.

An anti-Catholic ex-priest —"Father Aristide" as the *New York Times* so reverently calls him—has become our

Tom Bethell, The American Spectator*'s Washington correspondent, is a visiting media fellow at the Hoover Institution.*

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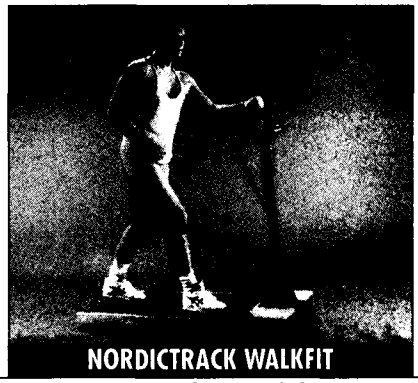

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emissary. Exemplar of Democracy! At odds with the Vatican, he's the soulmate of every alienated intellectual who disapproves of the way God made the world. As FDR said of Trujillo, he may be a sonofabitch but he's our sonofabitch. I said above that Aristide is anti-American, but Hillary Clinton could make out a case that he's pro-American, and that I'm the one who's living in the past. (So get with the program! Your country right or wrong, remember?)

The real complaint is not that world population is getting too big, but that the rest of the world is ignoring our antinatalist lead. Given the increasingly skewed demographics, with Third World growth masking our shrinkage, it's unlikely that the West will be able to sustain its hegemony for more than another generation. We are still rich enough to buy countries with foreign aid, and to propagandize our contraceptive vision, but as we're barely reproducing ourselves that window of pedagogy will inevitably close.

It's worth noting that the new American emissaries and world-chiders have become disenchanted with the idea of economic development. The evidence is by now overwhelming that capitalism brings not only prosperity but also something close to zero population growth in its wake. In fact, the evidence is so strong that the Vatican's lack of enthusiasm for capitalism should be reexamined in that light. Nonetheless, with the collapse of the socialist vision, the left has largely lost interest in economic matters. Even if capitalism does have the side effect of suppressing population, it's still not something they want to preach to the world. They would rather go right to the business of setting up abortion clinics and skip the capitalist phase.

"Yeah, I've heard that 'development is the best contraceptive' for twenty years," Al Gore said, when William Safire reminded him that as nations get richer, families get smaller. Does one detect a certain disenchantment in Gore's reply?

The problem is seen this way: If the rest of the world were to go capitalist, its people would end up consuming resources as avidly as we do now, thereby accelerating the ruin of the environment. We can't have them bulldozing habitat, driving around on freeways, and living in air-conditioned apartments. We can't level up. Not without abandoning our most cherished beliefs.

Paul Ehrlich, doomsaying ecologist at Stanford, said the other day that the one way to "guarantee the destruction of civilization would be to try to achieve equity in material consumption globally by leveling up consumption from the bottom." Oh, so that's it. We have to level down. The "overdeveloped," rich countries will have to find ways to curb their wasteful consumption, not encourage others to emulate them. No doubt this message was long ago delivered to Gore & Co., but for public consumption it is rarely put so bluntly. Ehrlich believes, incidentally, that the present population "has already exceeded Earth's carrying capacity."

But the collapse of socialism also brought with it a more fundamental disenchantment for the left. Since the French Revolution, their hope has been that, once human institutions were reformed—in particular, once private property was abolished—human nature itself would be transformed. For a long time, then, the progressive vision, although utterly utopian and improbable, was one of hope: People would be better in the future. Morally superior! This notion appears fully fledged in the writings of William Godwin, Shelley's father-in-law, and can be traced through John Stuart Mill, Karl Marx, the Fabians, Alfred Marshall, and on into the twentieth century. The Soviet Union and its satellites became laboratories for its fulfillment. "The average human type will rise to the heights of an Aristotle, a Goethe or a Marx," Trotsky wrote in 1923. "And above these heights new peaks will rise." One might say that this vision imbued the left with hope from 1789 to 1989. New Soviet Man nonetheless failed to appear.

The left, which in its various guises and disguises has for some reason been the predominant political force for change for the last century or more, thereby experienced a great setback and disappointment. Not only did socialism fail to produce the goods, it also failed to produce better people. It is remarkable, incidentally, how difficult it is to find anywhere in print a candid acknowledgment of this disappointment, which must be widespread. But such an acknowledgment would also constitute a kind of defeat, and the progressive forces haven't given up yet. In fact, they still seem to be as potent as ever, which is remarkable in view of their prolonged reign of error. Notice that President Clinton hasn't hesitated to expend vast political capital on behalf of undermining traditional morality, putting women in combat, expanding the role of the state, and so on. No conservative politician—with the possible exception of Margaret Thatcher—has worked half as hard to shrink the state as Clinton has to expand it.

The Progressive Forces bear the scars of their disappointment nonetheless. The great sea-change is that hope has been replaced by the predominant emotion of disgust: Disgust with the human race that failed to rise to new peaks, failed to evolve, failed to transcend its "selfishness." Oh, I know, they haven't given up on re-education yet, and there are some poor souls who think that New Sensitive Male will be a suitable stand-in for New Soviet Man. But there, too, new peaks will fail to rise, and disappointment awaits. Remembering to say "she or he" and installing women in the military will not change the way we are made.

Mankind's disappointing failure to evolve on schedule accounts for the great shift to environmentalism as the focal point of progressive aspiration, and for the new messianic zeal for population control, which is rather more aggressive than the old, defensive stratagems of the Population Council. It also explains the change from the old Scientific Planning to the new Paganism—retrograde and Earth-worshipping. Perhaps this is how the New Age should be construed: If we are to be denied a Utopian future with perfected people, then let us go back to a pre-Edenic past with no people at all. If the human breed is to persist in its greedy, despoiling ways, then let Mother Earth not be sullied by it. Recall that in their more extreme scenarios, some of the population controllers openly proclaim that their goal is to reduce the present population of the world down to about half its size. Don't expect them to stop there. ❐

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Kleagle Clinton

A meditation on the Caribbean refugee crisis.

by P. J. O'Rourke

Ed Crane, president of the Cato Institute, the redoubtable libertarian think tank, and I were having a cocktail hour chat about whether the Clinton administration should be sewn up in a sack full of cats or locked in a small, warm room with Michael Dukakis. After a few sets of 86-proof curls with the liquid-free weights, Ed made a perspicacious comment about the Cuban rafters and Haitian boat people currently being persecuted by our Coast Guard on orders from the Commander in Chief. "Damn it, P.J.," he said (I'm quoting from memory, so excuse me, Ed, if I don't do your eloquence justice. I've got to quit putting vermouth in the gin). "Damn it, these people get on board things made out of oil drums, orange crates, balsa wood and cardboard boxes; they cross hundreds of miles of shark-infested ocean, suffer hunger, thirst, and exposure, and brave treacherous currents, high seas, and storms just to come to America. *I say they're citizens.* Give them their passports right on the Florida beach—no oaths, no exams, no forms to fill out. These are the kind of people we *want* in America!"

But these are not the kind of people our infinitely compassionate, sharing and caring, hug-mongering sop of a president wants in America. Bill Clinton has blocked the only exit from the totalitarian nation of Cuba, closed an escape route held open by every U.S. administration—Democratic and Republican—for thirty-four years. What would we have thought of Konrad Adenauer if each

P.J. O'Rourke, a member of The American Spectator*'s editorial board, is the author most recently of* All the Trouble in the World: The Lighter Side of Overpopulation, Famine, Ecological Disaster, Ethnic Hatred, Plague, and Poverty, *just published by Atlantic Monthly Press.*

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person who came over the Berlin Wall had been shipped to a—give me another name for it—concentration camp? Then suppose that, once those East Germans were packed behind barbed wire, they were told they would have to go back to East Germany to apply for West German visas?

As for Clinton's attitude toward the Haitians, why he's glad to invade their country. He's perfectly willing to shoot Haitians. But let them drive cabs in New York City? Oh no.

In Clinton's Caribbean policy we get a glimpse of the president's true nature, a look at the Inner Bill, a peek at the scum beneath the flab.

Clinton's excuse for refusing sanctuary to the Haitians and Cubans is that they are economic refugees. Yes, these people are seeking real freedom, material freedom, freedom to do, have, and be. And they're probably not as interested as Bill is in the liberal idea of freedom—freedom to hand out child-sized condoms at day-care centers and so forth. Haitians and Cubans want to come to the United States, get jobs, work hard, start their own businesses. If they start their own businesses, they will vote Republican. Of course Bill Clinton hates them.

Bill hates them and he fears them, especially the Cubans. Bill knows the Cubans are crazy. Only crazy people would flee from a country with free medical care, guaranteed employment for life, and first-rate gun control. The president and his sanctimonious twit of a wife have worked for decades to build a society like this, and here people are taking their lives in their hands to get away from it.

"Taking their lives in their hands"—one more reason for Bill to despise our island neighbors. These people are mastering their fates. They're going to America to start a new life. Haitians and Cubans must think there's such a thing as free will, maybe even individual responsibility. But any good liberal knows we're part of a collective enterprise. Which is run by Bill. To achieve our common destiny we need leadership. That's where Bill comes in. And all our ills are the result of society's sickness. Calling Dr. Bill.

Let's face facts about our disgusting political opponents. We've been nice to the liberals for too long. They're thugs. Their liberal dream is to control people, to oppress and exploit them for some "higher" goal. And how are the liberals ever going to be able to control people brave enough to sail to Florida in a rum carton? In fact, even people of far less mettle than Haitian and Cuban refugees are difficult to control. This is why liberals hate people.

A civilized person should no more tolerate the presence of a liberal than the presence of a member of the Ku Klux Klan. Indeed, it may be argued that liberalism is worse than the KKK insofar as Klansmen only hate some people while liberals hate them all.

You can see the liberal hatred of people in the enormous liberal excitement about abortion and contraception. If people are hard to control, then *ipso facto* more people will be harder. And this is why liberals are always championing laws and social programs that are theoretically good for a class of people while being provably disastrous for people themselves: racial quotas, busing, welfare, my goddamned taxes. Liberals don't just lose sight of the individual or ignore his needs in the pursuit of broader goals, liberals detest, abhor, and spit upon the human being.

Only crazy people would flee from a country with free medical care, guaranteed employment for life, and first-rate gun control. The president and his sanctimonious twit of a wife have worked for decades to build a society like this, and here people are taking their lives in their hands to get away from it.

The core of the liberal belief is that the mass is more important than the man. As if Christ were a committee. As if God didn't create Adam and Eve but a Recovering Fruit of Knowledge Taste Test Support Group.

Liberalism, however dressed in "sharing and caring" modernity, is ultimately about the primitive, ignorant, troglodyte tribal idea of collective life. And about human sacrifice—liberals like that even better. The will, the conscience, the very existence of the person must be destroyed for the benefit of the mob. Liberals have the same morals as Fascists, Communists, Crips and Bloods. The worship of collective power always ends in some kind of drive-by shooting. Pearl Harbor, for example.

There may be—measured by some cold and pointless statistical means—such a thing as a greater common good. The power-grubbing, self-regarding Bill Clintons of the world tell us so. But there is no such thing as a greater common bad. Pain cannot, no matter what the unctuous creep in the White House says, be shared. Only individuals suffer.

In this case, those individuals are packed into sad, unseaworthy little crafts trying to make it to that ultimate bastion of individualism, America. But, when they get here, they're going to discover that the only person welcoming them is Ed Crane. And maybe me, if I recover from this hangover. Look for us on the sand, with our trousers rolled, holding aloft the sacred prize of freedom—shaken not stirred. (Do Haitians like their martinis with one olive or two?) ❐

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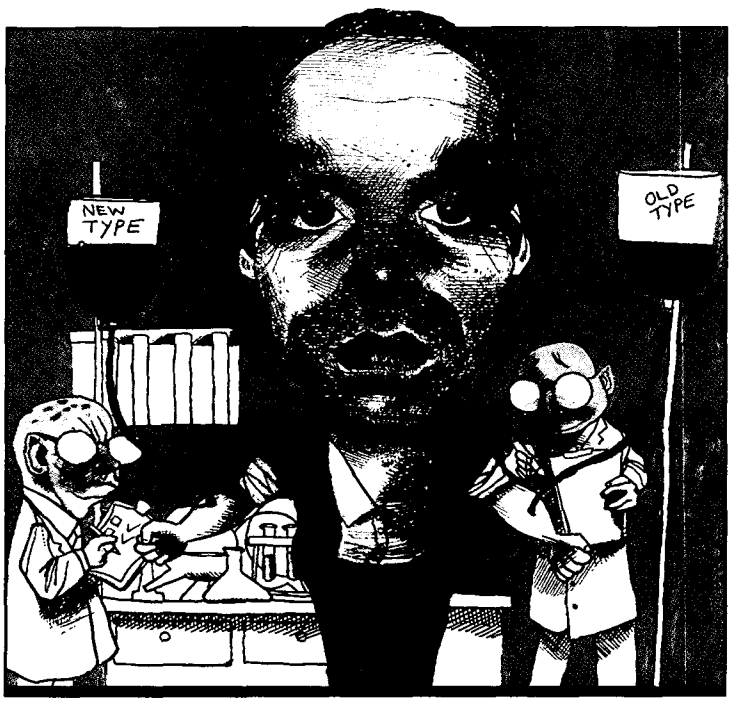
William Tucker

O.J.'s DNA in Court

Blood evidence places Mr. Simpson at the scene of the Brentwood murders, but in a courtroom culture dominated by well-heeled defense lawyers, will it matter?



This fall, O.J. Simpson is standing trial for murder in Los Angeles in what could be one of the most gripping courtroom dramas in decades. Accused of killing his former wife, Nicole Brown Simpson, and a young visitor, Ronald Goldman, Simpson has persistently denied his guilt.

Simpson had a stormy relationship with his ex-wife and had been arrested for beating her. The tape of a 911 call dramatically recorded his efforts to break into her home a year ago. He had reportedly stalked both victims and was seen driving from the scene of the murder acting in an agitated manner. (This witness, however, sold her story to "Hard Copy" for $5,000, and has been dropped by the prosecution.) Simpson has only a weak alibi, and those people who saw him during the interval seem to contradict his story.

The case against the former football great is largely circumstantial, and there are weaknesses to the case that might make an American jury throw up its hands and declare reasonable doubt. There are no eyewitnesses to the crime. No video cameras were on hand to record the event. The murder weapon has never been found. The policeman who found a bloodstained glove at Simpson's house (matching another found at the crime scene) has a history of making disparaging remarks about minorities.

There is one piece of evidence, however, that is so powerful that it might easily erase any reasonable element of doubt from the jury's mind. Leading away from the crime scene was a trail of fresh blood, which apparently belonged to the murderer. Simpson had a cut on his left index finger when questioned by police the next day. At least two separate laboratories have examined this blood, using the technique of "DNA profiling," and have declared that it matches Simpson's DNA profile.

Yet, as the trial began, there was a serious question of whether the jury would be allowed to hear this evidence. Moreover, if Simpson is declared guilty, his conviction will be challenged in a long series of appeals. A California appellate court has already overturned one conviction in a similar case, arguing that DNA evidence was "unreliable." The same situation prevails in eight other states.

How did DNA profiling—almost a decade old and widely employed in other countries—end up having such a rough ride through the American justice system? The science itself is not at issue. There has never been a case where one laboratory declared a match in DNA samples and another laboratory declared the opposite. Believe it or not, the only major controversy now surrounding the technique is whether the chances of an innocent person being falsely

William Tucker is The American Spectator*'s New York correspondent.*

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implicated are 1-in-10,000 (a high estimate arbitrarily chosen by a maverick scientist) or 1-in-10 million (a widely accepted figure that has been verified by an examination of all the DNA records on file with the FBI).

Other forensic evidence long accepted in American courtrooms offers levels of certainty that are nowhere near that range. Blood-type identification, accepted in courts for decades, offers at best only a 90 percent verification (1-in-10 possibility of a chance match-up). Handwriting analysis and psychiatric testimony in insanity cases usually come down to a "battle of experts." Only with "dermatoglyphic" fingerprinting (the marks on the end of your finger) are the probabilities of the same general order of magnitude. Yet with DNA profiling, defense attorneys have successfully argued that, if scientists cannot agree whether the technology is 99.99999 percent certain or 99.99999999 percent certain, then *it shouldn't be used at all.*

DNA profiling begins with the established theory that no two people, except identical twins, have the same genetic make-up. Each cell in the body contains a complete set of genes. A clot of blood, a trace of skin underneath a victim's fingernails, a drop of semen, the follicle attached to a single strand of hair—all contain enough cells to provide the information for a positive or negative match with a criminal suspect.

The only major controversy now surrounding the DNA technique is whether the chances of an innocent person being falsely implicated are 1-in-10,000 or 1-in-10 million. Other forensic evidence long accepted in American courtrooms offers levels of certainty nowhere near that range.

DNA profiling is particularly useful in rapes and murders in which the victim struggles or the criminal leaves behind some trace of tissue or bodily fluid. A recent newspaper article noted that rapists are now wearing condoms in 20 percent of all attacks. Although the report attributed this to fear of AIDS, a more likely explanation is that word is circulating among rapists that leaving semen at the scene is the equivalent of leaving your calling card.

A complete reading of the human genome is beyond present capabilities. The Human Genome Project has undertaken a 15-year effort to map all twenty-six human chromosomes, and several private firms are trying to short-circuit the process. One day we may be able to read the genome like a telephone directory. At this point, genetic profiling reads only one ten-thousandth of the information in the genome—just as a fingerprint reads only a tiny fraction of the body's physical profile. Because of peculiar characteristics of this portion of the gene, however, this tiny fraction has proved significant for making highly individual identifications.

In 1985, Alec Jeffreys, a geneticist at the University of Leicester, England, proposed making forensic identifications with "junk" DNA, the mysterious, non-functioning genetic material that makes up about 95 percent of the human genome. This material serves no known purpose. It may just be "hitchhiking" from generation to generation without contributing anything to the organism. Or it may serve as "packing material," protecting the working genes from harmful mutations, the way newspapers stuffed in a box will protect its fragile contents.

Junk DNA varies from one individual to the next. Different people have different DNA sequences at their junk sites. In addition, these characteristic sequences repeat themselves a different number of times in different people—a phenomenon called "variable number tandem repeats" (VNTRs). One person may have only one repetition at his junk site, while another may have two dozen. Most sites have more than a hundred known variations, which are called "alleles."

Other genetic markers such as hair color, height, and weight tend to vary by population. People living near the equator, for example, generally have darker skin, while people in cold climates generally grow bulkier to conserve heat. VNTRs, however—like fingerprints and blood types—appear to vary randomly across populations, with no ethnic or racial associations.

In 1986, Jeffreys proposed that VNTRs could be used for criminal identifications. He invented a "multi-locus" molecular probe that surveyed about fifteen to twenty VNTR sites, measuring their varying lengths. The chances that any two people would have the same variation at one site is about 1-in-50. The chance that they would match up at *every* one of the fifteen to twenty sites is well beyond 1-in-1-trillion. (The whole earth's population is only 8 billion.)

The test is now used in paternity suits. In criminal cases, however, "multi-locus" probes did not always prove practical. "The difficulty is that we rarely have enough genetic material in the sample," says Mark Stolorow, director of operations at Cellmark Diagnostics, which is running the tests in the Simpson case. "With paternity suits, we can just take blood samples out of someone's arm. But in criminal cases, we're often dealing with a speck of blood found on the sidewalk." Thus, Jeffreys's multi-locus "genetic fingerprinting" (the name is trademarked) was supplanted by a "single-locus" probe, which, given about 8,000 cells (the amount in a drop of blood), can provide a "genetic profile" with somewhat lower degrees of certainty.

In 1987, Jeffreys licensed his technology to Imperial Chemical, a British firm, which set up Cellmark Diagnostics, in Bethesda, Maryland. Lifecodes, Inc., now in Stamford, Connecticut, also went into the business, using a slightly different technology. Eighty different state crime labs, plus the FBI, have also entered the field. About 4,000 samples of DNA were tested last year, at an average of $1,000 per test. The number of probes used depends on how much genetic

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material is available and how much a prosecutor wants to spend. At five probes, the theoretical chances of two individuals having the same profile are 1-in-50^5, or 1-in-312-million.

In actuality, the alleles do not occur with the same frequency. Some are common while others are rare. If you have common alleles, you may match with 2,500 other people in the country (1-in-100,000), while if your alleles are rare, the match may be only 1-in-1-billion. In 1992, Neil J. Risch and Bernard Devlin of Yale University, using the FBI's database, generated 7.6 million genetic fingerprints and found only one chance match at the *three*-probe level. At the four-probe level there were none. They estimated the chances of a match for five probes at 1-in-10-billion. The two separate tests performed in the Simpson case have involved more than five probes.

From its inception, DNA profiling has implicated the guilty and exonerated the innocent in a way that was previously unthinkable. In an early case in England, two adolescent girls in a small village had been raped and murdered over a three-year period. Police asked males in the village to give a DNA sample for comparison. No matches were found, but it was later reported that one Colin Pitchfork had bribed someone else to substitute a sample for him. Pitchfork was checked again and turned out to be a match. (This case was chronicled by Joseph Wambaugh in *The Blooding*.)

While arguing that DNA profiling should not be used against criminal suspects, Neufeld and Scheck are simultaneously representing 600 condemned prisoners who claim that DNA analysis will prove they are innocent.

In an early incident in the United States, a young couple were murdered at an isolated campground in Colorado. The woman had been raped and a semen deposit was found. A random check against profiles of known sex criminals turned up a match with a paroled felon in Florida. Once he was under suspicion, eyewitnesses were able to place him near the scene of the crime. The man was tried and convicted.

In another instance, a man in Georgia allegedly killed his 10-year-old daughter after raping her. The defendant claimed the rape was actually committed by his 12-year-old son and that he had accidentally killed the daughter in trying to break up the rape. Genetic profiling was done on both father and son. The semen on the little girl's clothes belonged to the father. (Even for close relatives, the chance of a coincidental match-up is only 1-in-1,000.) The man was sentenced to life in prison.

Finally, another 10-year-old girl in Tennessee was molested in her home by a "large black man." A local handyman with a record of child molestation had been seen near the crime by a neighbor, and immediately came under suspicion. A DNA comparison, however, showed the handyman could not have been the attacker. He was promptly dismissed as a suspect.

DNA profiling has proved just as important in clearing the innocent as it has in implicating the guilty. American laboratories report that 30 percent of tests yield negative matches, exonerating innocent suspects who would otherwise have gone to trial. Scotland Yard reports the same percentages.

So things stood until 1989, when a handful of lawyers mounted a counterattack. The principal players have been Peter Neufeld, a New York defense attorney, and Barry Scheck, a professor at the Benjamin Cardozo School of Law in New York. "The attitude up to that point had been that DNA fingerprinting was infallible," said Neufeld. "Juries were awed. As one juror put it, 'You can't argue with science.' We decided to show you could." Neufeld has not only carried through the battle in court, he has also succeeded in becoming the resident expert on the subject in the pages of *Scientific American*. Not surprisingly, Neufeld and Scheck have been hired by the Simpson defense team as its chief DNA experts.

The first important case involved Jose Castro, a South Bronx janitor accused of stabbing to death Vilma Ponce and her two-year-old daughter in 1987. When Castro came under suspicion, a speck of blood was found on his watch. The sample was sent to Lifecodes, which said it belonged to the victim. Neufeld and Scheck challenged the admissibility of the evidence on the grounds that the lab work was sloppy and there were too many uncertainties in the technology.

Genetic experts from both sides converged on the scene. Before testimony began, Eric S. Lander, of MIT's Whitehead Institute for Biomedical Research, testifying for the defense, and Richard J. Roberts, of Cold Spring Harbor Laboratories, testifying for the prosecution, decided to get together and issue a joint statement. Both were somewhat disenchanted with Lifecodes's performance.

In particular, they were concerned that Lifecodes was declaring matches in instances where the X-ray images that read the VNTRs were identical but shifted slightly out of place—a phenomenon called "band-shifting." The laboratories claim it is not a problem. "It's like having two pieces of identical wallpaper that are hung poorly," says Michael Baird, lab director at Lifecodes. "You can see the patterns are identical, but they're slightly displaced."

Lander and Roberts argued that band-shifting created too much uncertainty. They also pointed out that Lifecodes had declared one match when the bands were outside the 5 percent range of error. In a blind test submitted by the California Association of Criminal Laboratory Directors, Cellmark had also misread one sample in fifty as a match. In 1989, Judge Gerald Sheindlin threw out the evidence tying the blood of the victim to Castro's watch—although evidence showing Castro himself was not the source of the

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blood was admitted. Castro pleaded guilty anyway and was sentenced to a lengthy prison term.

Two years later, the battle was joined again in an Ohio case. Three members of the Hell's Angels had killed a young man they mistook for another gang member. Blood from one of the defendants was found in the victim's truck. Neufeld, Lander, and other critics squared off against the Department of Justice, which was supported by two prominent geneticists, Thomas Caskey of Baylor, and Kenneth Kidd of Yale.

This time the prosecution won, but not before a lot of expert blood had been spilled. Lander—who was embarrassed on the witness stand—turned out to have received a $28,000 fee for testifying. Neufeld and Scheck counterattacked by accusing Caskey of profiting from the technology because he held a patent in the field and received a $15,000 annual royalty. Neufeld and Scheck twice attempted to have the case reopened on the basis of Caskey's alleged conflict of interest, but the conviction has been allowed to stand.

In 1990, in *Scientific American*, Neufeld laid out the full case against DNA fingerprinting. Neufeld compared DNA profiling to the Greiss test, a chemical test for nitrates from explosives, which had been used to convict six Irishmen in an IRA bombing. "It turns out that a variety of common substances such as old playing cards, cigarette packages, lacquer and aerosol spray will, along with explosives, yield a positive result [in the Greiss test]," wrote Neufeld. Neufeld then outlined similar potential flaws in DNA profiling: samples were small, DNA could be changed by the presence of impurities and bacteria, the sample might degenerate in a number of ways. The band-shifting problem distorted results. Samples could be accidentally switched or mislabeled—any number of things might happen. As a result of all this an innocent person might be convicted of a crime.

But Neufeld's opening analogy was misleading. The major problem with the Greiss tests was that it produced false positives. Substances other than the target chemical could give the same results. With DNA analysis, however—and particularly with the problems mentioned by Neufeld—the only real problem is false *negatives*. The chances of an innocent person being implicated are next to nil, but the chances of a guilty person being falsely exonerated are reasonably high.

To simplify, suppose that a suspect has a five-allele code that reads: 26-13-12-27-11. The forensic sample, which also contains his genes, has the same code. Now suppose the forensic sample degenerates, as Neufeld suggested. It can only degenerate *away* from a positive match. (In practice, the lab would probably call the results "inconclusive," which happens in 10 to 30 percent of all tests.)

Now suppose the suspect is innocent. What are the chances that a forensic sample will degenerate *into* his code of 26-13-12-27-11? They are, in fact, approximately the same as the likelihood that a chance mismatch will occur in the first place—about 1-in-10 million.

The great irony is that, while arguing that DNA profiling should not be used *against* criminal suspects, Neufeld and Scheck are simultaneously representing 600 condemned prisoners who claim that DNA analysis will prove they are innocent. Despite the much greater problem of false negatives, the attorneys argue that DNA evidence is valid when used on the side of the defense.

As a final argument against admissibility, Neufeld also raised what was soon to become the principal objection to DNA profiling: the idea that the genetic markers used in DNA analysis are not randomly distributed by racial groups, that they follow the pattern of hair and eye color, rather than blood types and fingerprints. Thus, when compared against people in a suspect's own racial or ethnic group, the chances of an accidental match-up might be higher.

The argument was later expanded by Richard Lewontin, a maverick population geneticist at Harvard and co-founder (with fellow Harvardian Stephen Jay Gould) of the left-wing academic group Science for the People. In 1991, Lewontin co-authored an article in *Science* that argued that patterns at separate VNTR sites might be inherited as a unit, creating similar genetic profiles among small, inbred populations. This "pose[s] a particularly difficult problem for the forensic use of VNTRs if the wrong ethnic group is used as the reference population." In order to avoid chance mistakes, it would be necessary to develop much more data about "subgroups that are likely to be relevant in forensic applications." The authors identified these groups as blacks, Hispanics, and Amerinds, and speculated that the chances of a false match-up within these populations might be as high as 1-in-10,000.

Now, 10,000-to-1 is still pretty long odds—certainly enough to erase any element of reasonable doubt where other incriminating evidence is present. But Neufeld wanted to go a step further. Instead of merely increasing the odds, he now argued that there was no "consensus" about DNA technology in the scientific community and therefore the technique should be excluded altogether from criminal tri-

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als. Appeals courts in California, Massachusetts, Arizona, Minnesota, and five other states bought the argument and previous convictions were overturned in each state.

The unsubtle point behind Lewontin's talk of forensic "relevance" was this: since blacks, Hispanics, and Indians commit a disproportionate share of all crimes, an individual *within* one of these groups may end up being implicated by the newfangled technology. (Actually, the black population has proved to be more genetically diversified than any other racial group.) As a later *Scientific American* article put it, "An innocent suspect racially or ethnically similar to that of a criminal could have an inflated chance of matching a forensic sample—and thus be wrongly convicted."

All this assumes that suspects are implicated in crimes solely on the basis of their race—which in some cases they are. Critics of forensic DNA like to point to a Texas case where a murderer was selected out of a small, inbred black population. But in other cases, the logic of "ethnic ceilings" is wholly irrelevant. In the case of the campground murder, for example, the suspect could have been anyone. When he was identified, it was not because of his race, but by a semen sample. Thus it made no sense to compute the odds *only* against his racial group. Wherever factors other than race have been the key to singling out a suspect, ethnic ceilings on DNA profiles are irrelevant.

In 1991, the National Academy of Sciences gave the technology a ringing endorsement. In an effort to placate critics, however, the commission recommended that ethnic ceilings be adopted that would give race-adjusted odds for each positive identification. By purely arbitrary choice, the committee proposed that no allele should be assumed to occur with less than 10 percent frequency—a number that still produces odds of more than 6 million-to-1 at five probes. Protests arose, and this year the NAS convened a second panel to reconsider the ceilings hypothesis. In defending O.J. Simpson, Neufeld now argues that the appointment of this new committee proves that the technology is *still* too controversial to be admitted in court.

The Simpson case, of course, is a good example of the ceilings fallacy. Why is O.J. Simpson a suspect in the killing of Nicole Brown and Ronald Goldman? Is it because he is black? Is it because somebody spotted a "dark-skinned intruder" and thought it might be O.J.?

No. Simpson is a suspect because of (1) his previous relationship to one of the victims; (2) his documented record of threats and violence against her; and (3) his failure to give any convincing account of his whereabouts at the time of the murder. The other logical choice is that the murder was committed by an unknown intruder, but that intruder does not have to match Simpson's racial profile. The correct reference group for Simpson's positive DNA match is the entire population of the United States .

Using the figures compiled from the FBI files by Devlin and Kidd as a *conservative* estimate, there is a *1-in-7-million* chance that the blood found at the scene belongs to someone other than O. J. This means that in the entire popu-

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lation of Los Angeles (3.5 million), there is less than a 50 percent chance that *any* other individual has Simpson's DNA profile.

Does this seem complicated? Then look at it this way. For the sake of argument, assume there is a 1-in-10,000 chance that Simpson's DNA would match up with that of another black person, as Lewontin's "ceilings" hypothesis suggests. There is still nothing to prove that the intruder was black. The longer odds, according to Lewontin, that Simpson's profile matches with someone of another ethnic group must also be factored into the equation. The result, once again, is that in all of Southern California, there is probably only one person who shares Simpson's genetic profile. The odds that Simpson himself, rather than this unknown person, was the source of the blood at the crime scene seem reasonably convincing.

So why has this kind of technological advance had such a rough time being accepted in American courtrooms?

The answer can be found in the structure of the American legal profession. Among attorneys who practice criminal law, the overwhelming majority are working on the side of the defense. Of the approximately 200,000 lawyers engaged in criminal work, only an eighth are prosecutors, while the remainder are representing criminal clients. Career prosecutors are government functionaries who labor at modest salaries. Many defense attorneys toil in obscurity, but those that are successful are the high rollers of the trade. Moreover, most young prosecutors—however unwittingly—are *training* to become defense attorneys. After serving an apprenticeship with the state, they generally—if reluctantly—switch sides. The incentives are overwhelming. A good prosecutor can triple his salary by going into private (defense) practice.

On the civil side, on the other hand, plaintiff attorneys are the high rollers, raking off contingency fees from the nation's escalating damage awards. Civil attorneys on the defense side are generally corporate functionaries. The American Association of Trial Lawyers is dominated by plaintiff attorneys—just as the criminal justice committees of the state legislatures and bar associations are dominated by defense lawyers.

All this has had an enormous impact on American justice. In *The Litigation Explosion*, Walter Olson has documented how the rules of evidence in civil courtrooms have been widely expanded over the past four decades to favor plaintiffs. The process of "discovery," for example, is completely unique to the American courtroom. In other countries, you sue someone on the basis of evidence you already have at hand. In America, plaintiffs can make vague, unspecified charges and then force a defendant to hand over whole truckloads of corporate or personal information so that the plaintiff can wade through them in search of wrongdoing.

"Depositions," by the same token, were once out-of-court interviews limited to people who were on their deathbed or otherwise unable to appear in court. Under pressure from the plaintiff bar, however, the courts turned depositions into a format where plaintiff attorneys can hold private interrogations. If your spouse sues you for divorce, his or her attorney can interrogate you about your sex life, your personal thoughts—anything he deems relevant. You have no "right to remain silent," but can only hire your own attorney. It is not surprising that plaintiff attorneys often refer to themselves as "private attorneys general," empowered by the state to ransack people's belongings and personal lives in search of evidence for civil litigation.

On the other hand, the rules of evidence in *criminal* courts have changed radically in the opposite direction. Since the 1960s, the various "exclusionary rules" have limited the power of the police to investigate anything. Search warrants must specify exactly what the police expect to find *before* they start looking. If something turns up that wasn't listed in the warrant, it may not be admissible as evidence, no matter how incriminating. Interrogations, under the *Miranda* rule, must be held in a formulaic setting, with suspects continually reminded of their right to remain silent or contact an attorney. Many defense attorneys profess that there is no such thing as an "uncoerced confession," since any suspect fully aware of his rights would contact his lawyer, who would tell him not to say anything.

Under these circumstances, it is not surprising to find that many lawyers and law professors now argue that it is useless to seek justice in the criminal courts and that the civil courts are the proper place for redressing criminal damages. That is why Ronald Goldman's mother is already suing O.J. Simpson for a "wrongful death." The same legal principles that have kept DNA fingerprinting from being used in criminal trials will be turned around to argue for its admissibility in civil courts. In fact, many of the same attorneys will probably end up making the argument.

Still, one can't come away from the issue without the impression that the attorneys opposing DNA evidence are trying to hold back a tidal wave of scientific research. Genetics is the most rapidly exploding field in the scientific world. Whatever objections can be raised today will probably be overcome tomorrow. The "polymerase chain reaction" (PCR), a technique that uses a microbe found in hot springs to "amplify" small amounts of DNA, is now being used to make identifications with as little as 20 cells. Experts in the field say the VNTR method may be outdated within three years. If critics do succeed in having the few private labs taken off the job, their work will be taken over by the FBI and the state crime labs—an outcome that is unlikely to make opponents any happier. At best, defense attorneys can only hope to continue muddying the waters, grasping at every letter-to-the-editor as proof that a "scientific consensus" has yet to be reached.

O.J. Simpson may be found guilty or innocent, but one thing is certain: When he stands trial in Los Angeles this fall, he will have to account for why blood with his genetic blueprint was at the scene of the crime. ❐

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Christopher M. Byron

Direct-Mail Deviltry

The shady economics of interest group fundraising could come back to haunt conservatives.

Last spring, Arkansas Democratic Senator David Pryor complained of the inaccuracy and unfairness of attacks on the Clinton health care bill by little-known but apparently well-heeled direct-mail groups. Pryor charged that the groups weren't interested in the issue at all, but had simply seized upon it as a way to wring contributions out of the elderly.

Pryor was close to the truth, as many who don't necessarily share his politics would agree. "At least 30 percent of the companies in this business are out-and-out frauds," says Denison Hatch, publisher of *Who's Mailing What,* America's top direct-mail trade journal. Critics like Hatch say that many direct-mail fundraisers are little more than chain-letter bucket shops, raising money by intimidating tempting targets—mainly the elderly who often have nothing more to do with their lives than watch TV and wait for the mail.

Such mailings could lead to a backlash against *all* direct-mail fundraising—a development that is bound to be uncomfortable for all sorts of political conservatives, who have in recent years used it prolifically. Senate Republican Jesse Helms of North Carolina has an almost legendary addiction to direct mail. In September, however, Helms severed his ties with one of his direct-mail fundraisers, the Coalition for Freedom, after the IRS charged that the group had been run, in part at least, for the financial benefit of insiders. Until earlier this year the National Republican Congressional Committee maintained a long-standing relationship with direct-mail marketer Stephen Winchell, whose clients include Empower America and other conservative groups. A committee spokesman says the relationship was terminated because Winchell's company was not performing satisfactorily. "We wanted to bring in new blood," he said.

In fact, rather than being a monolithic, well-oiled and well-financed operation, the much-dreaded conservative fundraising machine turns out to be an industry of cash-starved mom-and-pop operators aiming to hit it big through dubious business practices. In many cases, the resulting donations wind up principally benefiting the fundraisers themselves. It's an open question, in fact, whether direct mail is helping conservative causes or strangling them.

An instructive example of the economics of mailing lists—and of the dubious value of direct mail to conservative causes—is the Senate race of Oliver North.

Christopher M. Byron is a contributing editor of Esquire.

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Renting mailing lists from a variety of conservative sources, North has built a nationwide conservative constituency the equal to any in the country. According to the campaign's finance director, Richard Norman, by mid-September the organization had raised "close to $14 million"—an astounding sum for a first-time candidate for political office—from its mailing list, typically by sending out letters portraying North as a lone champion of conservatism who is under attack by the "liberal media." Folks who rise to the bait and send in contributions ranging from $25 to $500 or more, are culled off into a new list of actual donors—a list that belongs *jointly* to North and to his marketers, the most prominent of whom is Richard A. Viguerie, the reigning dean of direct-mail fundraising for the conservative right.

This nationwide network of more than 200,000 through-the-mail givers can be counted to go on supporting North long after the Virginia Senate race between himself and his randy Democratic rival, Chuck Robb, is over and forgotten. Meanwhile, the campaign's contract with Viguerie allows him to use the list in the future to raise money for yet more bootstrap candidacies such as North's.

"At least 30 percent of the companies in this business are out-and-out frauds," says Denison Hatch, publisher of Who's Mailing What, *America's top direct-mail trade journal.*

That right could turn out to be an enormous asset for Viguerie, who left the North campaign in September under circumstances that are still not entirely clear. Some campaign insiders say he quit, others say he was fired. Viguerie himself wouldn't comment, but the North campaign's lawyer, Mark Braden, confirmed that for all practical purposes he's gone, saying that he wouldn't be doing any more fundraising off existing campaign lists. Apparently, Viguerie's performance had been found unsatisfactory. "We thought we could do it more successfully financially through others," said Braden.

Yet under terms confirmed by Richard Norman, as soon as the election is over, Viguerie can begin renting out the North lists he created to whatever groups want them—even though doing so will automatically degrade their value to the North campaign itself. "The North list will be the hottest thing on the market," says one direct-mail player. "Everyone will want it."

But is this a proper way to make use of the names of conservative donors, who give generously to a particular campaign, then find themselves shopped around to countless others? Philip M. Alexander, a Washington-based direct mail marketer for conservative groups (and this magazine), has described the whole joint-ownership concept as amounting to little more than a "fee enrichment scam"—increasing the revenues to the marketing company while eroding the earnings potential of the list to the fundraiser itself.

How It Works

Anyone can create a political fundraising/education group under Sec. 501(c)(4) of the IRS Code. One doesn't even need to file any organizing documents: Just make the decision to go into business and start raising money. All that need be done thereafter is to file an annual IRS Form 990 stating the group's public purpose and showing the money was received and how it was spent.

The basic gimmick is for a *for-profit* marketing company either to create or sign up an issue oriented 501(c)(4) fundraising group, then to use the group to generate fee income. The process starts with renting mailing lists from legitimate institutions, ranging from the Heritage Foundation and Citizens for a Sound Economy to *Newsweek*, *U.S. News & World Report*, and others. The marketing company then begins "prospecting," or sending out an initial mass-mailing. The goal: to start creaming potential donors from some magazine or catalogue company's mailing list. Marketing companies have been known to send out up to 2.8 million pieces of third-class mail—enough to fill ten eighteen-wheelers. To use reasonable assumptions by industry standards: If only 1.5 percent (roughly 50,000 people) respond to the mailing, offering donations averaging $12, the company takes in $600,000. That is not enough to cover the roughly $700,000 in overhead (list rental, postage, printing, etc.). But a big payoff lies just ahead.

For starters, the prospecting effort has "mined" 50,000 names from the rented list, adding these to its own list of members. And *these* people—having already demonstrated their generosity—could be counted on to make further contributions when solicited again. Interestingly, rates of giving rise dramatically—to as much as 10 percent of the entire list—when such people are resolicited. The solicitation is made from a list that the fundraiser now owns outright, and thus doesn't have to shell out rental money to use. Finally, the company has now added 50,000 names of proven check writers to a list that it can rent out to others.

Generating one's own lists is lucrative, but this is not to ignore the *service fees* from the mailing itself. Consider the American Council for Health Care Reform. According to the mailing's letterhead, it was established in 1983. But a search of news archives reveals no mention of the organization prior to 1993. Recently, ACHCR sent out a mass mailing solicitation that carried the headline "Five Years In Jail If You Buy Extra Care." (This was an exaggeration of what the bill actually proposed: to make it a crime for anyone to bribe a government health care employee.) A hint at the group's real agenda could be found in the mailing's final words: "Send the American Council For Health Care

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Reform your check for as much as you can afford." The letter asserted that each $25 contribution "will pay for the printing and mailing of 100 more kits like this one."

How does a group like the ACHCR benefit? Basically, it doesn't. It's the for-profit marketing company that lurks in the background that makes the money—from fees collected on each mailing the marketing company puts out. The organization's address turns out to be a private home in Arlington, Virginia, owned by one William Shaker. Shaker runs a for-profit company out of the same address called the Washington Marketing Group. Washington Marketing designs and writes direct-mail solicitations, then negotiates printing contracts with production companies. Contacted for this story, Shaker insisted that Washington Marketing has never done any work for ACHCR, and that his own involvement with the Council was strictly as "volunteer president." His wife is a volunteer, too. Shaker was emphatic that no money from the Council ever went to Washington Marketing or indeed any other business entity that he, Shaker, had any association with. He refused to reveal which direct-mail marketing and/or print brokerage companies the Council typically uses. Pressed further, Shaker said, "This is a hostile interview," and hung up the phone.

Wonder why? Don Brumbach, a sales executive for Cyril Scott Co., of Lancaster, Ohio, says his company has done direct-mail print jobs for many conservative political groups in Washington—the American Council included—and that the *brokerage firm* for the Council's work on Cyril Scott print jobs is none other than Shaker's company, Washington Marketing.

The Seniors Coalition and United Seniors

Direct mail is a clubby, ingrown world in which everybody knows everybody, and no one on the outside gets to play. There are "creative shops" that consist of as few as one or two people writing copy. There are "list brokers" who promote the mailing lists of just about any magazine or mail order catalogue you can think of. There are "printers' reps" who solicit contracts for various printing plants, and on and on.

There are even "postage syndicates," to cover the undefrayable costs of launching a mailing. Since the Post Office doesn't operate on credit, and since banks and other normal sources of capital aren't willing to front the money needed to get a mailing under way, groups of investors will kick in $5,000 or more apiece to create so-called "postage syndicates." This money is then lent out—at interest rates that can reach 48 per cent or more annually—to enable cash-squeezed marketing companies to finance their direct-mail campaigns.

Many of today's big players in political fundraising have passed through Viguerie's shop, where, say insiders, the practice of setting up postage syndicates actually began. There was Steve Winchell, who left in 1976 to start his own operation. Winchell's job as Viguerie's number two man was eventually filled by James Aldige, who departed in 1986 to set up Dominion Direct Marketing and Publishing, and thereafter became a consultant to Winchell. Other top Viguerie executives—among them Chip Heartfield, Jeremy Squire, Sandy Butler, James Martin, George McDonnell, and Earl Chester—also departed to start or become involved with operations on their own.

No direct-mail effort better illustrates the incestuousness of the industry—and the possibility for abuses that such clubbiness fosters—than the Seniors Coalition and its various spin-offs. Viguerie launched the Seniors Coalition in 1989 as a spin-off of a group called the Taxpayer Education Lobby. That group had initially been set up to raise money on prayer-in-school issues. Then, when Congress passed a law in 1989 calling for the financing of catastrophic health insurance with a tax on Medicare benefits to the elderly, the Viguerie group latched onto the issue, raising money as the Seniors Coalition Against the Tax (SCAT). SCAT was headed by a shady type named Dan Alexander, who had served time in federal prison for shakedowns on school construction projects in Alabama.

When the catastrophic health tax law was repealed, the group moved in yet another direction, seizing onto fears of the elderly regarding the solvency of the Social Security system, and began sending out fundraising letters on that topic too. In 1991, SCAT was spun off as a separate fundraising venture all its own—the Seniors Coalition—but the distance hardly seems what one would call arm's length. James Aldige—the one-time Viguerie employee who later became a consultant to Winchell—was named a member of the Coalition's three-man board. Two other Viguerie executives—Chip Heartfield and Jeremy Squire—headed up the Coalition's marketing.

In 1992, when the group's ties to the convicted extortionist, Alexander, began to generate bad publicity, Heartfield

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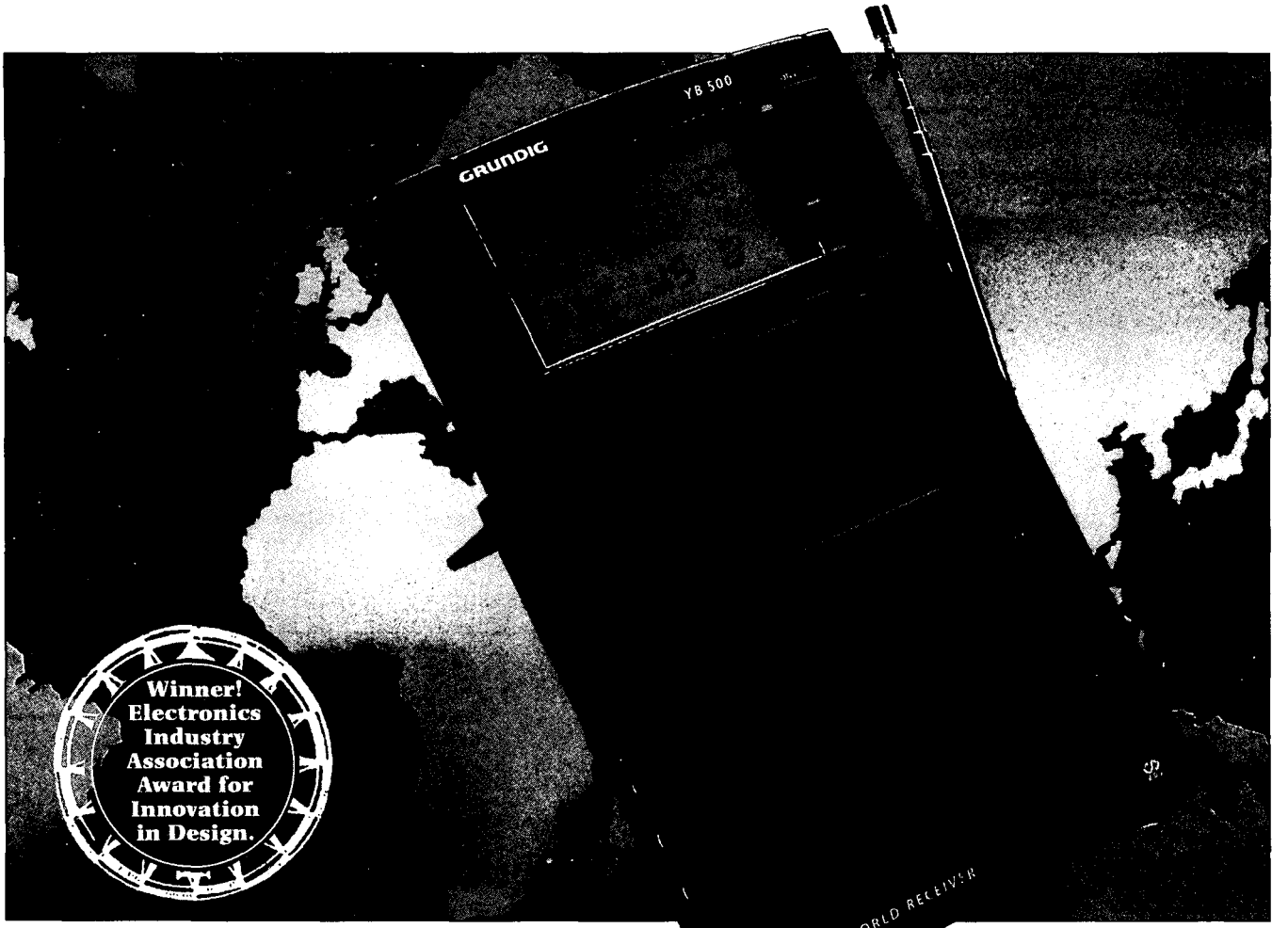

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and Squire resigned the account, leaving the business in the hands of Steve Winchell, the same Viguerie associate who'd given business to Aldige (by now a Coalition board member) after *he* had parted ways with Viguerie as well. Thereafter, with the Clinton administration championing health care reform, the Seniors Coalition started thumping on that issue too.

Meanwhile, Viguerie had set up yet another fundraising shop—the United Seniors Association—to raise money in support of a balanced budget amendment. Yet it wasn't long before United Seniors also took up the health care cause. And who should be heading the organization up but yet another old Viguerie hand, Ms. Sandy Butler. More recently, a *third* health-care-related fundraising group has appeared. Calling itself "60-Plus," this group is headed by James Martin, who worked for Viguerie in the early 1970s.

Raising Money to Raise More Money

These groups all bring in substantial annual donations, but virtually all the money seems to wind up being plowed back into overhead. The Seniors Coalition's IRS Form 990 for calendar year 1993 shows that the organization collected roughly $11 million in public donations while laying out less than $1.4 million for "fundraising." Where did the rest go? The bulk of it—roughly $7.5 million—went for "program services," which the Coalition listed as "public education" and "lobbying activities." Sounds like this is exactly how a donor might have *hoped* the Coalition spent his or her money, right? Well, read on.

When the catastrophic health tax law was repealed, the group moved in yet another direction, seizing onto fears of the elderly regarding the solvency of the Social Security system.

According to the Coalition's filing, the $1.4 million in fundraising and the $7.5 million in program services, are actually "joint costs"—they reflect a *combined* educational campaign and fundraising solicitation. In other words, the Coalition actually spent roughly 80 per cent of the money it collected in 1993 not on program services but on fundraising solicitations to "educate" the public. That is, Stephen Winchell & Associates Inc.—the for-profit marketing firm that prepares the mailings—wound up one way or another absorbing 80 percent of the $11 million the Coalition took in last year.

Form 990 filings for United Seniors show the same general arrangement. In 1993, the Association took in roughly $5.3 million from donations, while claiming to pay back out nearly $3 million on program services (listed as "public awareness" and "public advocacy") with only about $970,000 going for actual fundraising. In fact, once again these were "joint costs." In reality, more than $4.2 million got spent on fundraising mailings with an "education" fig leaf.

Nor do these groups seem finicky about the conservative politics of the issues they take on. In 1992, as reported by William McGurn in *National Review*, GOP fundraiser Ann Stone set up a pro-abortion group called "Republicans for Choice," then steered much of its fundraising business to certain marketing companies she either owned or controlled. In a similar spirit, the Seniors Coalition began a recent mailer calling for the preservation of Medicare Benefits—a non-conservative position if there ever was one.

Changes Coming

The Postal Service is now probing the activities of the Seniors Coalition and has recently investigated United Seniors as well. The General Accounting Office is looking into the so-called Normandy Foundation, headed by one-time JFK flack Pierre Salinger, in which the Winchell organization has played a role.

Meanwhile, a case before the U.S. Tax Court may hold that companies that surrender too much control to outside marketing groups become mere subsidiaries of those groups—and could lose their tax-exempt status. The United Cancer Council, the defendant in the case, is a 501(c)(3) organization (a charity to which donations are tax deductible), but the decision could have repercussions for 501(c)(4) outfits—such as issues-oriented fundraising groups—that don't allow tax deductions. The UCC signed a five-year fundraising contract with the marketing company Watson & Hughey in 1984, giving W&H control over most of UCC's assets and fundraising activities. W&H began a series of fundraising promotions, most of them sweepstakes mailings, to beef up UCC's mailing list and generate income. Some $28 million in contributions was raised during the life of the contract—as well as $4 million more from renting out the sweepstakes-generated mailing lists. Little if any of this $32 million wound up with UCC, which filed for bankruptcy in 1990. "This is the most closely watched case the Tax Court has had in years," says Washington tax lawyer Bruce Hopkins. "It could wind up affecting the whole field of tax exempt fundraising." Indeed, a government victory would greatly intensify IRS scrutiny of marketing companies throughout the industry—and inevitably, of the fundraising organizations that use them.

Close-to-the-wind direct-mail marketing may have gone too far. No one need approve of Clinton's health care program—or any other part of his agenda—to be alarmed at this bizarre offshoot of conservative fundraising, which makes money through the mass mailing of fear. Such games play into the hands of conservatism's critics, and inevitably erode public confidence not just in the messenger but, ultimately, in conservatism itself. ❐

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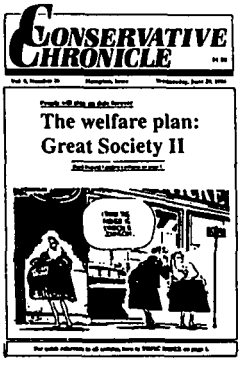

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Edward Conlon

The Pols, the Police, and the Gerry Curls

Inside one of New York's most notorious Dominican drug gangs.

Washington Heights has a fair claim to being the largest retail drug market in the United States. While local consumption is considerable, its position amid the Harlem River Drive, the Henry Hudson Parkway, and the George Washington Bridge make the neighborhood the first urban access point for upstate and out-of-state users and mid-level dealers. For several years, one of its most formidable entrepreneurs was a gruff, stingy, and humorless young man named Rafael Martinez, who arrived there as a teenager in the mid-eighties as an illegal alien from the Dominican Republic. Reputedly, he began as a car thief, but by 1986 he was known to the police as a dealer, though one of no greater promise or menace than any of the hundreds of young men in the neighborhood who man their posts on street corners or stoops in attitudes of watchful leisure. There is no record of his arrest. His first conversation with New York law enforcement that endured beyond the words "Move it" was probably in Columbia Presbyterian Hospital, where he recuperated for several months after being shot in the head by his partner in the drug trade in January 1987 as he lay on a couch in his apartment. A detective spoke with him, but no productive information was obtained and no arrest was made. After a trip home to the Dominican Republic, Rafi decided to bide his time and resolve the problem himself.

Nancy Ryan, chief of the homicide bureau of the Manhattan DA's office, spoke with greater criminal experience than Martinez when she said, "One of the strange things you learn in this business is that if you're shot in the head, and you're a bad person, your chances of survival are usually pretty good." At the time, Rafi probably also did not realize that the event would propel his career from that of a petty street dealer to leader of one of the most effective, profitable, and feared criminal organizations in upper Manhattan. The man who shot him, known as "Chino," had been a close friend; after the incident, Rafi, who had never possessed the sunniest outlook on human nature, decided to restrict to his immediate family any trust he was obliged to extend. Over the next year and a half, he brought his four brothers and an uncle to the United States. A cousin also worked with him for a time, but he hadn't the stomach for the work and left the business. But his uncle, known as Moreta, and his brothers Papin, Augusto, Loren, and Daniel adapted to the hazards with mettle and—in the case of Moreta and Loren—some relish. Rafi would turn 20 the year of his shooting, and his brother Papin was a year older. Moreta, at 27, was the eldest; Augusto was 17, Loren 15, and Daniel, the youngest, was 14.

In contrast to other kinds of organized crime, where hierarchy, territory, and protocol are rigidly ordered and widely

Edward Conlon is a writer living in the Bronx.

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recognized, most of the drug dealers in Washington Heights operate in loose bands. There is no kingpin in Washington Heights, no figure like John Gotti or Nicky Barnes, the heroin boss of Harlem in the 1970s. A group might consist of five members, or forty; there may be two groups on a block or there may be half a dozen or more. The groups might reach a kind of entente, if business is sufficient and the gang leaders are so inclined, or there can be open warfare. Most bad blocks see a fair amount of bloodshed, with some groups on the rise and others in decline, and the vast amount of cash in movement attracts thieves who themselves must be reckless and violent to an exceptional degree.

Rafi Martinez's gang, which was better organized than all but a few, dealt to both users and dealers, in amounts ranging from a gram to ten kilos. Their income was estimated to be $5 million a year. They became known as the Gerry Curls, after their hairstyles, clean or close-shaven on the sides with a loose crop of curls on top. Rafi would make each new worker go to the same barbershop for the cut. The brothers had new cars—a Jeep, a Mercedes, a Maxima, and a Supra, among others—painted in their signature gold colors. There was a conscious effort to forge an organizational identity and high-profile style. Reputation is a critically important tool, and more than haircuts and cars, the Gerry Curls made their reputation through violence, through what they inflicted on others and what they survived themselves.

His first conversation with New York law enforcement that endured beyond the words "Move it" was probably in Columbia Presbyterian Hospital, where he recuperated for several months after being shot in the head by his partner in the drug trade.

"Every one of them was dangerous in their own way," said James Gilmore, a policeman who walked the streets of Washington Heights at the time. "Rafi and Papin were more quiet and businesslike. Loren, he was a real vicious personality. Moreta had a nasty disposition also. Rafi could be nasty but he looked at trouble as something that could affect business. Daniel, too. Augusto was a smartass younger brother. Augusto was young, and a lot of the young don't think, which is a danger in itself. But the real violence didn't start until Loren and Moreta came up."

By 1988, they had a thriving business in two apartments at 550 West 157th Street, a handsome, ten-story building with an expansive lobby of black and white marble, with a fireplace and pilastered walls. Five-Fifty is on the corner of a major intersection, with a subway entrance a few feet from the door, and a natural location for dealing. Gilmore described it as "infested," with constant action in the street, in the lobby, and as many as eighteen apartments inside. The flourishing drug trade brought a variety of attendant dangers and squalors. The noise continued through the night. A mother might find her child playing with crack vials. There was casual prostitution, and frequent robberies. The disputes between customers, between dealers, and between dealers and customers, were not infrequently resolved with automatic weapons.

The legitimate tenants of the building were less under siege than in a state of surrender. The dealers monopolized the pay phones across the street from the building, roughing up anyone who mistook them for a public convenience. Passers-by might be stopped and searched to make sure they were not police officers, and one of the brothers might decide not to let traffic pass that day, on the sidewalk or the street, out of boredom, bravado, or spite. Although disrupting traffic might seem petty beside murder and multiple-kilo cocaine transactions, it somehow seemed more wanton; the murders had a purpose and drugs made money, but the open and needless contempt to which the locals were routinely subject bewildered them, drove them into pliant capitulation.

It also fueled the indignation of Gilmore, whose beat stretched from 155th Street to 171st, east of Broadway. Gilmore had worked there since 1986, a few months after graduation from the police academy. "People were terrified," he said. "It was okay when they sent their kids to school, the dealers weren't up yet, but coming home they had to go through it. Old people were terrified. Parents were concerned about their daughters, the ones who were afraid of them and the ones who were impressed with them, all the money and so on. People were actually crying, they thought they'd never live a normal life again. You'd even get complaints about them from other dealers. They'd come up to you and say, 'Look, I've dealt before, but these people are *bad*.' They used to say, 'You could fill a cemetery with the people we killed.'" Though the DA refused to speak of crimes that police were unable to reliably connect to the Gerry Curls, included in the files on the case is a large color photograph of the remains of a man found on the roof of 550 West 157th. He lies on a bed of charcoal briquettes, with his hands bound behind his back, his shirt in charred tatters on his chest, and his face burnt back over his skull. An autopsy revealed that he was both shot and stabbed. He has never been identified.

The first homicide that the police were able to decisively link to the Gerry Curls occurred in September 1989, when two men attempted to rob Papin of his cocaine supply. One of the thieves escaped, wounded, the other was killed, and Papin was shot in the chest. Five kilos of cocaine were recovered in a bloody pillowcase. Though Papin was soon arrested, Rafi posted bail for him and he never returned to court. A few months later, a police officer

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named Winfred Maxwell responded to a radio call of shots fired, and he knocked on the door of one of the Gerry Curl apartments. He was greeted with a hail of fire from a .44, and, in all, over twenty shots were exchanged. Augusto was arrested, as was one other worker in the apartment. Rafi posted bail, and they, too, were soon free. The Gerry Curls grew in size and sophistication, generally operating at a strength of twenty-five to thirty members, with the Martinez brothers remaining at a discreet remove from most of the daily transactions. There were bodyguards and other security, steerers, lookouts, packagers, and managers for both street and apartment operations. Someone kept the books, others cleaned the apartments and fed the crew of workers. Nicknamed in traditionally colorful gangster fashion, with a bilingual twist, members of the Gerry Curls included Los Hieros, La Fiera, and Bacaneria as well as Rambo, the Beast, and Enterprise. Roberto Gonzalez, another principal, was an enforcer. The only member with a significant criminal record, Gonzalez was also unique in his drug habit, and his heavy use of PCP and cocaine increased an already considerable propensity for violence.

Over the years, the gang employed hundreds of young men, mostly poor teenagers from the Dominican Republic, who performed a variety of minor roles for a salary of $200-400 per week. Payday was every Sunday. Rafi bought Dominican passports for his brothers, at a cost of roughly $3,000, to come to the United States. When necessary, he also rented the American passports of gang members who possessed them, altering the photographs. But most who came to work for him had a far more hazardous and arduous journey. Some came through Panama and Mexico, on foot. Others survived sharks and drowning in flimsy boats called *yolas* to arrive in Puerto Rico for a flight to the United States. They were a plentiful and disposable resource, easily replaced in the event of addiction, deportation, arrest, injury, or death.

With his brothers and uncle, Rafi arrived for work sometime in the late morning and stayed till eleven or midnight. They would hang out on the street, or in a car if the weather was bad, and lower-echelon steerers and security would communicate what the customer wished. Rafi would approve each customer and quote a price. The buyer would be escorted to one of the apartments for the deal. Rafi might communicate directly with an apartment by cellular phone, which also was helpful to warn the dealers of police. Other alarms were sounded by walkie-talkie, or transmitters of the kind used to open garage doors, which sent a signal to a receiver in the apartment. When alerted to a raid, they would secrete their drugs, guns, and other contraband in traps, constructed by expert contractors, below floor tiles or behind ceiling fixtures, which were ingeniously concealed and sometimes secured with electronic locks. The floors would be splashed with an ammonia solution to prevent police dogs from finding the traps. When drugs were transported by car, they were in a compartment in the door that was unlocked by turning on the headlights, then inserting a coin in a place in the dashboard for an electrical connection for the release system. The Martinezes lived on West 157th Street before moving to Yonkers, then Queens, but their increasing business and violence remained local. Once, some workers suspected of stealing were tied up for a week, fed but also beaten, until Rafi adjudged that he had the wrong parties. Franklin Perez, who was also suspected of theft, was dealt with relatively leniently, shot in the leg.

When one of their safe houses was robbed, the thieves seemed to know precisely where the drugs were hidden. Daniel Martinez was hung out the window during the robbery, and pistol-whipped so severely he had to be hospitalized. Rafi speculated that Raphael Espinal—an associate who would locate and set up apartments for the gang—was playing both sides of the game. So he had him shot in the head and chest, dumped in a park and left for dead. Umberto Peña, known as "Secre," was a 19-year-old employee who was discontent with his wages. He set up a small *punta*, or "spot," to sell crack at night after the Martinezes retired. Secre was not rebuked or even warned about his side business, but simply taken for a ride by Moreta and Loren on the Cross Bronx Expressway. He sat in the front seat, beside Loren, who drove, until Moreta placed a .22 pistol against his head and fired. Secre slumped over onto Loren, bleeding all over his jacket. While the car was still in motion, Loren opened the door and, with the terse epithet "Faggot," kicked him out onto an exit ramp. Rafi had a number of girlfriends, and three of them who had legal status were directed to marry his brothers. Lali married Papin, Merlin married Daniel, and Irah married Augusto. After his shooting, Rafi suffered from a severe limp, and one day Irah had the bad taste to make a joke about it. Her sensitivity to that handicap was presumably increased after Rafi shot her in the kneecap.

Rafi did not forget about Chino, either. In the summer of 1990, having ascertained that Chino was in the Bronx, he had Moreta drive and Loren accompany him on a trip across the river. For four hours they waited, just down the block, until Chino emerged from his building with a friend and got into his car. Chino drove to the corner, and stopped for a light. Moreta pulled up alongside, Rafi and Loren rolled down their windows, and Rafi called out "Chino!" before shooting at his open mouth. The car was pocked with bullet holes, the windows were blasted into pebbles of glass, and Chino was hit a half-dozen times. His friend, shot twice, survived. That business finished, the Martinezes returned to work, where they bragged about the hit. Rafi christened his .45 "La China" for its part in the great day.

II

A tidal metaphor is often invoked to describe immigration patterns of significant scale, and it is particularly appropriate when applied to natives of the Dominican Republic, who often intend only a temporary stay in New York. Permanent residents, too, are separated from Santo Domingo by a few-hour flight, and trips home for months at a time, for economic or personal reasons, are

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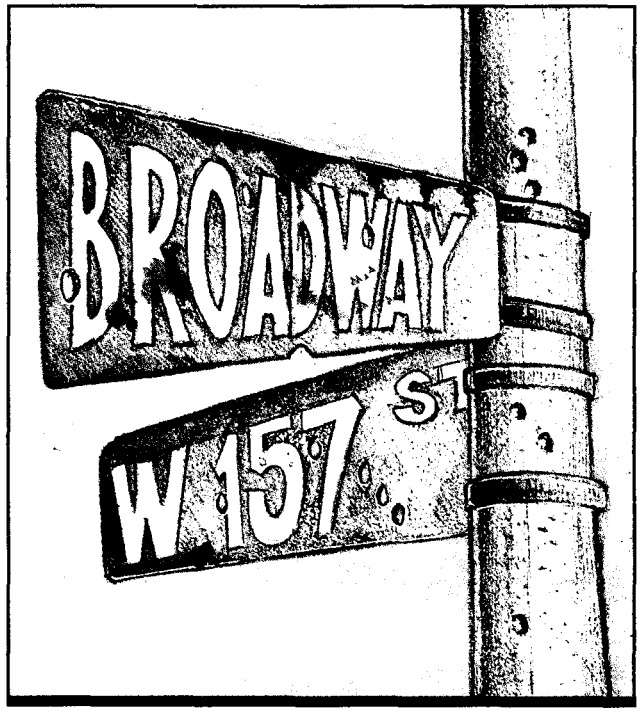
common. The Dominican Republic supplied the largest number of immigrants to New York City in the past decade, roughly 25,000 per year. Their numbers have been augmented by a large number of illegal aliens. Though they have settled by the thousands in parts of Brooklyn and Queens, Washington Heights is the primary destination for Dominican immigration. Almost 40 percent of all arrivals in Manhattan came from the Dominican Republic, with China, at less than 20 percent, a distant second. From Washington Heights, they have moved up to Inwood and down to Hamilton Heights, and across the river to the Bronx neighborhoods of University Heights and Highbridge. In upper Washington Heights and Inwood, they have displaced Irish and Jews; moving downtown, toward historic Harlem, they have pushed aside African-Americans. With blacks, in particular, there has been tension, with cultural divisions exacerbated by competition for political influence and social services.

Like other Caribbean immigrants, Dominicans arrived primarily on "second preference" visas, as unmarried sons and daughters of permanent residents. More Dominicans obtained second preference visas than any other group; conversely, third- and sixth-preference visas, for individuals who possess certain medical and technical skills, went to Dominicans in extremely low numbers. Almost 7 percent of Jamaicans obtained these visas, and over 15 percent of Indians, but only three-tenths of one percent of Dominicans qualified. Dominicans also have a low rate of naturalization, which is, in New York, a general predictor of occupational achievement, education level, and income. At the same time, there is a strong entrepreneurial tradition in Dominican culture, and, in many Latino neighborhoods, small businesses such as restaurants and bodegas are disproportionately Dominican-owned.



This entrepreneurial spirit also extends to illegal businesses, and Dominicans dominate mid-level cocaine traffic on the East Coast. After its import by Colombians, most of the cocaine used between New England and the Carolinas passes through Dominican hands. Street-level operations in many neighborhoods are also controlled by Dominicans. Remittances to the Dominican Republic exceed half a billion dollars annually, the overwhelming majority of which is from drug revenues. The gross national product of that country is $2 billion. Throughout upper Manhattan, there are scores of travel agencies and other businesses that specialize in electronic transfers of money, which does not have to be reported in amounts under $10,000. As Detective Charles Barnitt of the Manhattan North Narcotics Unit said, "Those wires are humming day and night."

Both in New York and the Dominican Republic, these vast sums of money have served to capitalize legitimate businesses, from fleets of cabs to beauty parlors to clothing boutiques. It is a difficult and delicate task to measure the penetration of drug money into the infrastructure, a virtual impossibility and half an insult in the asking. It is an intrepid social scientist who walks into a chamber of commerce meeting to ask how many crooks are in the room.

Domestic drug consumption may be in decline, but it remains unquestionably and almost immeasurably vast. Detective Barnitt said that crack has virtually disappeared from the area, but powder cocaine is as strong as ever, and heroin was becoming popular. "When I came here, in '88, a kilo was a big score. It didn't happen often. I remember the first time a guy brought a kilo in, everybody gathered around to see it. Now it's pretty common." "Operation Heartbreak Hotel" was successfully directed against a man named Euclides Lantigua, who dealt ten to twenty kilos per day. By a conservative estimate, that amounts to an annual distribution in the range of several tons. "When we took him out," said Barnitt, "I don't think the price even fluctuated."

With its domination of both legitimate and criminal enterprise in Latino areas, the Dominican community has had a perhaps necessarily ambiguous relationship with the police. The strains typical of poor, minority neighborhoods exist, between the police and the community and within the community itself. But there is an unusual cohesion as well, as the largest number of business owners and unemployed are both from the same ethnic group. While merchants are traditional supporters of law and order, drug dealers are not, and when the distinction between professions is blurred, the situation takes on a daunting complexity. In addition to the language barrier, the illegal status of many Dominicans fosters a mistrust of authority of all kinds, and their experience with the police in the Dominican Republic may not have inspired the greatest confidence in law enforcement. In the past, the legitimate frustrations of the community have found combined expression with the provocations of the criminals, with disastrous results.

In July 1993, after a police car accidentally struck and killed a motorcyclist, four young men took molotov cocktails and bombed a fire station. Two firemen suffered third-

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degree burns over large parts of their bodies. Three months later, when police assisted in a towing operation on 175th Street—cars are commonly triple-parked in the area, and ambulances have been unable to drive down some streets—a 21-year-old Dominican named Pedro Gil threw a bucket of spackling compound from the roof of an apartment building. Housing Police Officer John Williamson, aged 25, was struck in the head and killed instantly. Widespread cheering was reported in the crowd.

A plaque inside the 34th precinct lists the names of police officers killed in the line of duty. There are, at present, eight names on the plaque. The most recent casualty was Michael Buczek, who was one of two police officers killed by drug dealers on October 18, 1988. Christopher Hoban, a plainclothes narcotics detective, was killed in a buy-and-bust operation in Manhattanville. Buczek was caught in the crossfire between rival drug gangs on 161st Street, and his killer escaped to the Dominican Republic. That country has no extradition treaty with the United States, and a number of men wanted for homicide, including Pedro Gil, have made their escape home. Though there are exceptions, such as when one Dominican citizen kills another in the United States, or the individual has applied for American citizenship, the issue is a source of extreme frustration for the NYPD.

The dealers monopolized the pay phones across the street from the building, roughing up anyone who mistook them for a public convenience. Passers-by might be stopped and searched to make sure they were not police officers, and one of the brothers might decide not to let traffic pass that day, on the sidewalk or the street, out of boredom, bravado, or spite.

Perhaps the key participant in the Buczek investigation was Immigration and Naturalization Service Agent Joseph Occhipinti, a highly decorated, 22-year veteran. Shortly after the murder, a multi-agency task force called Project Bodega was formed to investigate grocery stores suspected to be involved in gun-, drug-, and alien-smuggling as well as other criminal activities. Fifty-five businesses were targeted, resulting in twenty-five arrests and forty-three deportations. There was a protest by Dominican merchants, who charged not only that their civil rights had been violated, but also that Occhipinti had been robbing them. The U.S. attorney investigated, indicted, and tried Occhipinti, and he was acquitted of the corruption charges but convicted of civil rights violations, which essentially consisted of a pattern of improper searches, and falsifying the paperwork afterward. In June 1992, he began to serve a 37-month sentence.

There were vehement protests by INS agents and a number of politicians, most notably then-Congressman Guy Molinari, who took the extraordinary step of resigning in protest from all federally appointed posts, including the Legal Services Corporation, as well as the Bush re-election campaign. His own investigations produced evidence that claimed much of the testimony against Occhipinti was perjured. The Bush Justice Department was unmoved by the material, and went so far as to impugn its integrity as sounding "scripted" in parts. But days before stepping down from office, in January 1993, the president commuted the remainder of Occhipinti's sentence, without comment on the validity of the charges. Occhipinti, 42, had served seven months, mostly in solitary confinement.

The controversy was a modest prelude to that which surrounded Officer Michael O'Keefe after the death of Jose "Kiko" Garcia. On July 3, 1992, O'Keefe shot and killed Garcia in the lobby of an apartment on 162nd Street. Protests followed in the days ahead, and riots in the nights, and on the night of July 6, a man named Dagoberto Pichardo fell from the roof of a six-story building, also after a confrontation with the police. Rumors abounded that both men died in unprovoked assaults, and public concern was amplified by lurid versions of the events, often uncritically broadcast by the media, which told of the unarmed men begging for their lives before summary executions. O'Keefe, in addition, was maligned as corrupt, with some claiming that he was in the pay of drug dealers and others saying that he had robbed them. Subsequent investigations cleared the officers involved and found that, in both cases, they had acted not only properly, but with exceptional courage and ability.

On the evening of July 3, O'Keefe and his two partners, Thomas McPartland and Matteo Brattesani, observed Garcia at a busy drug location, repeatedly tugging at a bulge in his jacket, just above the waistband. The behavior is typical of an attempt to conceal a weapon, and in this case, the concealment was unusually half-hearted and inept (the gun turned out to be a .38 remodeled for a longer barrel and large, rubber hand-grips). The three officers were in plain clothes, in an unmarked car, but feared that they would be recognized if they approached in the vehicle. The two officers in the car planned to circle the block, and meet O'Keefe as he approached the suspect on foot. But the car was spotted, the crowd shouted warnings, and Garcia moved for cover to the entrance of 505 West 162nd. O'Keefe hurried to intercept him, anxious to make contact on the street for his own safety as well as to prevent his escape.

O'Keefe identified himself, and reached for Garcia's shoulder as he pushed open the door; Garcia thrust his forearm at O'Keefe's throat and rushed forward. The sturdily built O'Keefe was nearly six inches shorter than Garcia, who was high on cocaine and slick with sweat. Both tumbled into the lobby and the struggle began: Garcia punched

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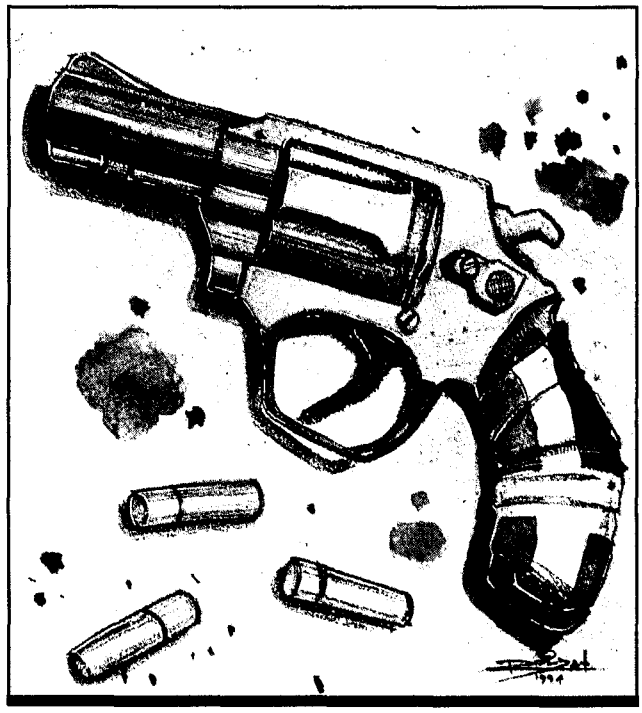
him and tried to break free, dragging him further into the building; O'Keefe tried to grab the gun from Garcia and radioed for help, but in the tumult of the moment was unable to give the correct address. O'Keefe hit Garcia with his radio, and Garcia drew his gun and pointed it at him. O'Keefe managed to fire first. Garcia fell back and spun, gun still in hand, and O'Keefe fired again. He then handcuffed Garcia, recovered the gun, checked the address, and called again for help.

For their part, McPartland and Brattesani were distracted by a man who ran across 162nd Street, brandishing a gun. Fearing that he was coming to the assistance of Garcia, they chased him, grabbed him, and took the gun—a fully loaded .357 magnum revolver—but did not arrest him, as O'Keefe's screams for help then came over the radio. When police arrived at the scene, Garcia was alive, and O'Keefe was so exhausted and stunned that he was barely able to speak. He was covered with blood, and a police officer had to pry Garcia's revolver from his hand. Garcia was so slippery with perspiration that EMS personnel found it almost impossible to attach any adhesive to his body. At Columbia Presbyterian Hospital, he was pronounced dead.



Radically different versions of the event were circulated in the days that followed, inspired chiefly by accounts from two sisters, Juana Madera, aged 36, and Anna Rodriguez, 42. Madera occupied a second-floor apartment at 505 West 162nd, and her sister's son, Jose Rodriguez, was staying with her at the time. Jose Rodriguez was a drug dealer, the friend and employer of Kiko Garcia. A police raid of the Madera-Rodriguez apartment several months before produced cocaine and marijuana, a loaded .38, forty-five additional rounds of ammunition, and a videotape of Garcia and Rodriguez tossing packages of cocaine in the air, in the street, in bright daylight. An unidentified voice on the tape claims, "It's legal here on these blocks, it's liberated." Madera and Rodriguez were friends of Garcia, and they had dinner together in the apartment on the night of the shooting. A detective who canvassed the building within an hour after the incident spoke to Madera. She told him, through an interpreter, that she had heard crying in the hallway and shots fired, but that she saw nothing. Though the sisters told tales that grew successively more vivid and macabre, and denied statements to law enforcement that had already been broadcast on radio and television, most of their stories had them coming upon Garcia and O'Keefe as they returned to the apartment after shopping. As they had it, Garcia stood on the street until he was attacked by O'Keefe, apparently without provocation or even comment, and dragged into the building. The sisters claimed to have followed them into the building, and then moved to the landing at the top of the second-floor stairs, where they saw Garcia offer no resistance to a savage beating, but simply call out for his mother and ask why he was being hurt. When he lost consciousness, Madera said, O'Keefe rolled him over on his stomach and shot him in the back.

Candles, flowers, and a graffiti mural of passionate hearts and torches made a shrine of the building where Garcia was "assassinated," and O'Keefe was burned in effigy. Mobs filled the nights with the sounds of broken glass and the smell of smoke, setting fires in trash cans and to overturned cars. A march from the site of Garcia's death on 162nd Street to the 34th Precinct, at 182nd Street, ended with an abortive attempt to storm the precinct. The memory of recent riots in Crown Heights and Los Angeles was vivid—and the Democratic Convention was to begin in New York in ten days. Mayor Dinkins and Cardinal O'Connor walked the streets, made speeches, and met with the Garcia family, urging calm. Although the mayor was judicious in his language, insisting only that an investigation of the incident would be thorough and impartial, other politicians, among them Borough President Ruth Messinger and City Councilman Guillermo Linares, whose district was created for the Dominican constituency, were less temperate. "Jose Gonzales Garcia could have been your son, or even you," said Messinger, denouncing what she styled an act of police brutality. The mayor invited the Garcia family to Gracie Mansion, and the city provided financial assistance for the funeral, which was held in the Dominican Republic. The mayor did not visit or call O'Keefe; later, the Cardinal visited his home in Queens, but O'Keefe declined to receive him.

The march to the precinct, which took place on July 6, was led by Linares. Scheduled to end with a candlelight vigil at a church, the protest was diverted at 181st and Broadway and moved toward the precinct, a block away. Young men in the crowd, many of whom were masked in bandannas, led the push against the line of police. Two officers were injured in the hail of garbage, bottles, tree limbs, and other debris hurled from the crowd.

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Lieut. Roger Parrino, who directed Special Operations for the precinct, was in charge at the scene, and he ordered that the police stand fast and not move into the crowd. No arrests were made. After some time, the crowd began to disperse, and packs of young men moved downtown, overturning garbage cans, breaking windows, and setting fires. That evening, Lieutenant Parrino and four other officers patrolled the area in a police van.

Just after 9:30, there was a report of bottles thrown from a rooftop, and the van responded to the scene to find a group of people gathered around a burning car at the intersection of 172nd Street and Audubon Avenue. As the van approached, it was struck by bottles, and the group ran into an apartment building. The officers gave chase, led by Parrino, who was with one other officer as he reached the top floor of the six-story building. Finding no one, the two officers inspected the U-shaped roof, which was bounded by a brick parapet wall, just over three feet in height. They did not have flashlights, and the only illumination came from nearby police helicopters that had been dispatched as part of the anti-looting effort. With no sign of the vandals and little hope of finding them, the police headed back to the street, but as they descended past the sixth floor landing, with Parrino in the lead, four men emerged from an apartment. The officer behind him stepped back to the sixth floor, saw one of the men grab for his waistband, and called out, "He has a gun!" Two of the men fled back into the apartment, followed by the police officer, and the other two—Dagoberto Pichardo and Daniel Brito—took to the roof, pursued by Parrino.

After its import by Colombians, most of the cocaine used between New England and the Carolinas passes through Dominican hands. Remittances to the Dominican Republic exceed half a billion dollars annually, the overwhelming majority of which is from drug revenues. The gross national product of that country is $2 billion.

Back on the roof, Parrino saw only Brito, standing by the wall at a distance of some twenty-five feet. He drew his gun, ordered Brito to freeze, and approached. At that moment, a helicopter passed overhead and, for a few seconds, the scene was brightly illuminated. Parrino was able to see that Brito intended to run, but also that he did not appear to be armed. He holstered his gun and rushed him. As the two men grappled beside the wall, Parrino discovered the whereabouts of Pichardo when a hand reached out and grabbed his arm, pinning him briefly to the wall. Astonished, he broke loose, caught a glimpse of Pichardo, whom he could see from the chest up, and hit Brito hard enough to knock him to the ground. Parrino assumed Pichardo was on a ledge or fire escape on the other side of the wall, and, again in the dark, he slowly moved toward him. Once more, he was startled by a hand in the dark, and he pushed it away. Brito, who had recovered from his blows, got up and ran for the door. Parrino began to follow but, winded and well behind him, quickly gave up the chase. He returned to the wall and peered over, and saw that it was a sheer drop six stories to the alley below.

Pichardo died in an ambulance on the way to the hospital. Brito found sanctuary in the first-floor apartment of a friend. As he washed up and changed clothes, he heard an outcry in the street outside, and shouts that the police had thrown someone from the roof. When Brito left the apartment, he told bystanders that the police had indeed thrown Pichardo to his death, and the next day he made himself available for interviews. In one, he said that Pichardo was pushed. In another, he said that Parrino stepped on Pichardo's hands, causing him to fall. In the streets, the fires and violence continued, sporadically, for several days.

In September, when separate grand juries declined to indict both O'Keefe and Parrino, a massive police deployment helped keep the neighborhood calm. Because grand jury proceedings are conducted in secret, District Attorney Robert Morgenthau released a 45-page letter to Police Commissioner Raymond Kelly, which detailed the findings of an exhaustive and independent investigation. In both cases, police officers gave consistent statements over time that were supported by physical evidence which, in the Garcia case, included toxicology, pathology, and ballistic reports, as well as O'Keefe's radio transmissions and the accounts of his partners. The Pichardo investigation included evidence gathered by FBI agents who rappelled off the roof of the Audubon Avenue building from which he fell. In both cases, also, the victims were drug dealers, and the purported witnesses were drug dealer associates of the victims, who gave inconsistent and internally contradictory statements that had no basis in the physical evidence. District Attorney Morgenthau declined to pursue charges of perjury against Juana Madera and Anna Rodriguez.

The events of July were disastrous for police morale. More than one officer expressed relief that it was a lieutenant on the roof with Pichardo, and that his rank and record provided some degree of insulation from the political heat. O'Keefe was seen, quite credibly, as a public servant who acted in self-defense in desperate circumstances. For his efforts, he became the target of extraordinary vilification, as well as numerous death threats. Few voices among the eminent stressed any presumption of his innocence, and fewer still professed a belief that his actions were necessary and just.

While supporters of the mayor were cheered by the rel-

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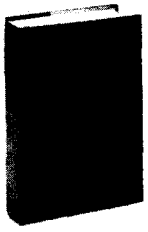

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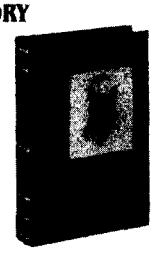

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atively limited duration and damage of the riots, his opponents charged him with capitulation to the forces of disorder and crime. But others came to the dismal realization that what brought quiet to the streets had little to do with the price of a funeral. Robert Jackall, a professor of sociology at Williams College, spent six months in the 34th precinct studying the organizational behavior of the police, and the riots coincided with his period of research. In his view, the end of the violence had less to do with any public action or inaction than its cost to the drug dealers who could not do business amid the mayhem and police saturation of the area. "During the riots, you would always hear cops point to the different people in masks and say, matter-of-factly, 'Look at him, he deals on 171st,' or 'He works for so-and-so,'" he said. The recognition that dealers swelled the ranks of the demonstrators, and had caused most of the violence, was later supported by a consensus of street intelligence.

The police don't really control the streets in any part of the city, but in most places they successfully compete for them. In Washington Heights, the balance of power was never in their favor, whether they sought to counter social chaos or a relatively efficient criminal conspiracy. For many cops, however, the summer of the riots dispelled any doubts about who kept the peace in Washington Heights, such as it is, and it wasn't them.

The events of July were disastrous for police morale. More than one officer expressed relief that it was a lieutenant on the roof with Pichardo, and that his rank and record provided some degree of insulation from the political heat.

III

As a black American with a strong sense of heritage, and as a second-generation cop, James Gilmore may have an unusual perspective. A little broader and taller than average, with a manner that is both direct and distinctly cautious, he asked that this article omit references to his private life, for personal and professional reasons. A fellow officer half-jokingly referred to him as "Malcolm X," ordinarily not an endorsement from a white cop, but intended with familiar affection and undiluted respect. While his rapid speech often resembles that of a social worker, with frequent references to empowerment, opportunity, and self-esteem, he is a street-combat veteran, well-practiced in the use of force. He was in the group of police that pursued Dagoberto Pichardo, and it was the slimmest of chances that sent him into an apartment after another fleeing suspect instead of backing up his lieutenant on the roof. Gilmore also said that the majority of people in Washington Heights, Dominican or not, supported the police during the riots but kept silent out of prudence and fear.

"The riots—civilian unrest, whatever you want—it was pretty intense," said Gilmore. "Chasing people with guns, people shooting at you, going into apartments—there are apartments with generators connected to windows, to electrocute you—bullets flying. On the other hand, it was sort of routine. It could be the Fourth of July with that happening."

When asked if race affected his tortuously extended relations with the Gerry Curls, Gilmore was dismissive of the thought. The Martinezes were no more enlightened on race than other moral issues—somewhat ironically, as Rafi's dark complexion inspired the nickname "Moline," a Dominican term for a kind of black fish—but Gilmore felt that events had transcended, or deteriorated, beyond categoric ethnic tensions into a purely individual realm. He also had to ensure that the rules of engagement were strictly understood, on both sides, for both his physical safety and his mental health.

"It wasn't a matter of intense hatred, which one I disliked the most. People come here, and they're shown this is a way to make money. It was saying, 'Hey, stop, there are kids here.' You can't take it personally, you'd go crazy. At the same time, you had to make it seen and respected that if they hurt you, it would all end. Some of them would take you out in a second. You had to make them think you had powers. You have to get that message out, not as a 'dis' but just to let them know. If you didn't do that, you jeopardize your own life."

Though Gilmore professed no bitterness toward the Martinezes, he might be easily forgiven were he to do so. A gang member was assigned to a "Gilmore watch" to monitor his movements whenever he was on duty. Gilmore ordered the dealers off the street, sometimes several times a day. He arrested buyers and sellers, and had their gold cars towed at every legal opportunity. "That seemed to bother them more than getting arrested," he said, "They'd make threats, throw things—bricks, bottles, what have you—off the roof." He worked with other police units, such as Tactical Narcotics Team and Manhattan North Narcotics, but the repeated raids produced no significant arrests. Minor players were snared, and when a major one was brought in, bail was posted and he would immediately return to work. Gilmore had them evicted from their apartments, to find that they had broken in and returned to business within a day. When he had the doors to the apartments removed by the landlord, locksmiths and contractors were hired to replace them. If a couch or carpet was damaged in a raid, it was replaced immediately with an identical item. Even their furniture, it seemed, was above the law.

"It was a struggle, a real battle. On the foot post, it was an everyday thing," Gilmore said. "There was a sense that they were invincible. We made arrests. Other people have shot at them, also. No one could take them down." He would stand in front of the building for hours at a time, bringing business

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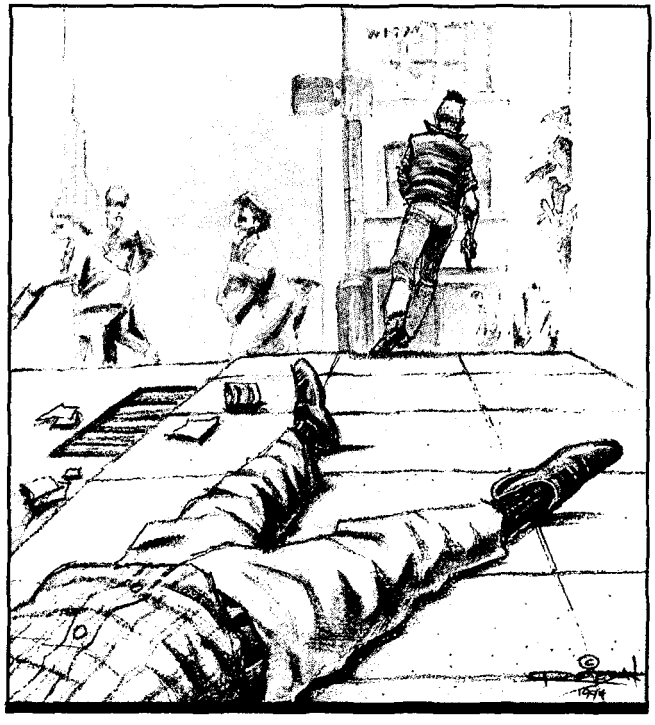
to a standstill, but he had other problems to deal with on his beat. Drugs and violence abounded within a hundred yards that had nothing to do with the Gerry Curls.

After two years of extraordinary persistence, it seemed at last that Gilmore had, if not beaten the Gerry Curls, at least worn them down. For a few weeks there was no sight of them. And when they reappeared, a block away at 614 West 157th, Gilmore's disappointment was tempered with a modicum of relief. Strictly speaking, they were not his problem anymore. When they crossed Broadway, they were no longer on his beat. The thought was not as pusillanimous as it might first appear: while the Gerry Curls made Gilmore's beat one of the worst in the city, their departure left him, still, with one of the worst beats in the city. His relationships with residents not only kept him abreast of the minute changes in the community, its potential or pressing difficulties and its best resources, but also provided him with a sense of personal safety. "In your own area, you're more comfortable. You can communicate with people and cover yourself. People know you and would make a call—most people—if you were hurt or in trouble." An intimate familiarity with the layout of every building, its broken doors, blind alleys, and dark corners, is also vital for a cop in pursuit and retreat. The intricate and sometimes makeshift connections between basements or roofs provide abundant opportunities for escape and ambush. The basement at 550 West 157th is ominous even in daylight, a dimly lit, red brick catacomb with tunnel-like halls that lead through a maze of alcoves, storage spaces, and other rooms. On occasion, dealers have tried to pull Gilmore inside such underground redoubts. It was not without justifiable hesitation that he crossed the street to continue his pursuit of the gang.



Though it can be difficult for a landlord to evict a tenant who deals drugs, for a building to become wholly overrun usually involves an owner who is either indifferent to the problem or actively complicit. Often a dealer will not be the tenant of record—the Gerry Curls went so far as to have an associate rent apartments for them under an alias—and dealers will break into vacant apartments to set up shop. Testimony in the Gerry Curls case indicated that the superintendent at 550 assisted the gang but not the landlord, although Gilmore expressed mild derision at the mention of his name. At 614, however, he said that the arrival of the Gerry Curls was so sudden and forceful that landlord, superintendent, and tenants were overwhelmed.

The only resistance came from Jose Reyes, a 66-year-old retired city worker who lived with his sister. Reyes was a kind and gregarious busybody, who interpreted for fellow Latinos in their commercial or city dealings, and cared deeply about the neighborhood. One gang member later said that Reyes spent so much effort keeping the building clean that he thought he was the superintendent. When the gang began to establish itself, Reyes had words with them, which they found an amusement as much as an annoyance. When he put up signs to call a tenant meeting, they were more concerned. And when their apartment was raided, they believed they had a problem that demanded immediate and decisive response. Rafi left for the Dominican Republic and gave instructions to Roberto Gonzalez to take care of things.

As it happened, while Reyes may have made a complaint at some point, he was not responsible for the raid. Nonetheless, Gonzales waited for Reyes for three days, in the compartment where trash was stored, until the old man walked out to Broadway. On a crowded street, just after four on a sunny May afternoon, he walked up behind Reyes and discharged one shot from a .45 into the back of his head.

At 614 West 157th, all thought of cooperation with the police vanished. A woman who had been roughed up in an elevator by a gang member was asked about the assault by a detective. She vehemently denied it, and rushed to Rafi to warn him that the police were aware of the incident. Gilmore, who had less contact with the tenants of 614, saw virtually all his sources shut down. At 550, however, someone might drop him a note, or manage to arrange a meeting in private, and he was able to hold what he called "underground tenant meetings." While the impulse to retreat could not have been stronger, and the need for secrecy never more extreme, some tenants even took surreptitious photographs of the gang from inside their apartments. More people came forward, and while it seemed futile, it made possible the operations that eventually brought the gang down.

Gilmore, of course, had not been silent about Rafi Martinez, at the precinct or the DA's office. Raids had produced gun seizures and cocaine by the pound, and any number of detectives were occupied with the results of the gang's handiwork. Still, it seemed that they were mostly "spinning their wheels," as one cop put it. It was not until Gilmore impressed the gravity of the situation upon Terry Quinn, an investigator for the Manhattan DA, that larg-

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er forces were marshaled against Rafi Martinez and his gang. Quinn brought in a newly formed task force called HIDTA, for High Intensity Drug Trafficking Area, which drew from the NYPD, DEA, and the district attorney's office. Quinn would organize the operation, and assistant district attorney Fernando Camacho would prosecute the case. HIDTA began work on the Gerry Curls in June, the month after the Reyes murder, and continued through October.

For those months, investigators set up an observation post in a nearby apartment and shot still photos and videotape of the gang, over a hundred hours of which would be presented at trial. There is footage of Rafi, cold-eyed and unblinking, furtively handing off a small package, or counting bills in a thick wad of cash, indifferent to whoever might see. Staring forward, with barely a movement, he taps one man's thigh to send him racing off on some unexplained errand. The young men around him flaunt cash, or tug at the guns in their waistbands, sometimes spinning around to model the success of their concealment. Others point their hands like guns, play-shooting each other like little boys. Most chilling is a scene where Roberto Gonzalez, bristling with menace, half-dancing on the street, animatedly re-enacts some event to Rafi, who stands, as ever, secure and implacable. Gonzalez's face is twisted in a grimace of pure rage, and he brings his hands together in the air in a two-handed pistol grip and lowers them to shoot, again and again and again. Scenes of less dramatic value but greater evidentiary power show a young black man, jauntily walking along with the brothers, slapping hands and joking. He had just strolled over to the building, where he enthusiastically greeted Loren, Rafi, and other gang members by name, and spoke fondly of the old days at 550. He was so well versed in their practices and past that, although perhaps they couldn't quite place him, they were comfortable and willing to do business. The man, an undercover detective, had never met them before but his close study of their operations combined with their assumptions about his appearance enabled them to form a brisk working partnership. This information had all come from Gilmore and the people of 157th Street. Another undercover, also black, offered bona fides in the form of Daniel's beeper number, at a time when he was, safely and conveniently, in the Dominican Republic. Over the summer, the Gerry Curls sold the undercovers over a kilo of cocaine and two guns, one of which had been used to kill Chino.

This, of course, was a lethal error, and according to ADA Camacho, there were others that Rafi committed out of a mistrust of his subordinates that was as well founded as it was short-sighted. With resources of time and manpower extending their reach, HIDTA was able to follow one of the major customers to New Jersey after a purchase, and seized just under three kilos of cocaine. The buyer had been sent to acquire three kilos, but didn't have the entire amount of the purchase price, which would have been approximately $60,000. Afraid that his own boss would suspect him of stealing, the buyer asked Rafi to help him explain the situation. The customer was regular and valued, and Rafi indulgently wrote a receipt for the precise price and weight of the drugs sold. After so many years of vain labor to connect Rafi with his enterprise, it must have struck the prosecution as near-divine favor to obtain his signed statement that said, in effect, "I sell drugs in huge quantities."

When it was decided that enough evidence had been amassed, the entire Martinez family contingent was among the twenty-five gang members arrested one day in October. Roberto Gonzalez was already in custody, having been arrested the night before for shooting off his .357 in the middle of the street. The massive conspiracy, drug, gun, and homicide case would take a year and a half to litigate. Camacho, who maintained an affable tone even when speaking of the worst murders, requested that no personal information be disclosed, a precaution that seemed all the more sensible in the light of a recent conviction of an imprisoned drug dealer for conspiracy to murder another ADA in the office.

"Rafi was greedy," said Camacho. "He could have retired in 1990 a very rich man. He had a gas station, a trucking company, three houses, eight or nine cars, God knows how much money. Now, his father will have a very comfortable retirement."

As ever, the Gerry Curls made an impression in court, arriving for trial with shaved heads. However silly, it proved Rafi's last coherent bit of strategy. Never a beloved leader, Rafi retained his own attorney but refused to subsidize anyone else's defense. Several subordinates came to realize that their interests were no longer common. Eight gang members volunteered to cooperate, including Irah Vinas, the former girlfriend Rafi had kneecapped and married off to his brother Augusto, and Augusto himself, in exchange for sentences that will range between three and eight years to life. Without these witnesses, the drug case was solid but the murders would have been less firm. Augusto calmly unburdened himself of his brothers' sins from his cell and on the stand, with no evident trepidation or regret.

After the nearly five-month trial, the jury deliberated for five days before returning guilty verdicts on the conspiracy, drug, and weapons charges, the Chino murder, and the Espinal shooting. Judge Leslie Crocker Snyder sentenced Rafi to a term of 213 years to life in prison. Loren was sentenced to 75 to life, Moreta and Papin, 50. Daniel got three to nine, and is the only one of the brothers who will one day enjoy the profits of the years on 157th Street. Roberto Gonzalez was acquitted of the murder of Jose Reyes but was convicted of other crimes, and Snyder sentenced him to 12 1/2 to 25 years, the maximum term. At sentencing, Rafi protested his innocence, claiming that his prosecution was motivated by individuals who were jealous of his success, and Loren made the brief, chilling statement that the only reason he was there was Fernando Camacho. "It was scary," said Camacho, elaborating on the implicit threat. "And he was wrong. The real hero is Jimmy Gilmore," he said, pausing before a laugh: "I wish Loren understood that." He shrugged, unwilling to dwell on it. "Next year we'll have guys who make the Gerry Curls look like boy scouts." ❐

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The Trouble With John Kasich

by Robert D. Novak

On Sunday evening, August 20, as the House of Representatives was about to pass its final version of the crime bill, Rep. John Kasich of Ohio was in a state of high excitement—perhaps comparable to the time three years earlier when he let his animal spirits get the best of him and climbed onstage at a Grateful Dead concert at Washington's RFK stadium. As ranking Republican on the House Budget Committee, he had been assigned by minority leader Newt Gingrich to represent the party in round-the-clock negotiations with Democratic leaders and the White House. As he took the House floor, Kasich was ecstatic that he had wrung out so many concessions.

Many of his GOP colleagues did not share Kasich's joy. Most felt the crime bill was still a sham, another case, as Republican strategist William Kristol has put it, of "some Hill Republicans working overtime to pull President Clinton's chestnuts out of the fire." Rep. Chris Cox, the former Reagan staffer who represents California's conservative Orange County, isn't a member of the John Kasich Fan Club. On that Sunday night, he took a seat in the House directly in front of the speaking stand, positioned perfectly to glare at Kasich when he spoke and, perhaps, to intimidate him.

It didn't work. Kasich pleaded for Republicans to pass the bill and, as his allotted time was running out, delivered a peroration that has already caused him no shortage of grief: "What we are viewing is a tough negotiating process that is the future in this House. This is the way we will govern this House, and govern this country, by making tough, tough decisions and coming toward the middle to serve our country."

Within twenty-four hours, Kasich was saying he had misspoken, that he had been rattled by the presiding officer behind him pounding the gavel to signify that his time had elapsed. "This has nothing to do with health care," Kasich assured me, seeking to allay fears that he would lead the GOP "toward the middle" on that issue as well. Two weeks later, he was saying that he should not have spoken at all.

The damage had been done, however. The family of the late Rep. John Ashbrook signed a letter urging that Kasich ("a true Judas") not be permitted to attend the annual dinner honoring the conservative Ohioan who challenged Richard Nixon in 1972. At a stormy session of conservative activists, New Right trendsetter Paul Weyrich angrily urged that Kasich be ousted from his Budget Committee leadership, and replaced by Chris Cox. But Kasich had just received the 1994 "Sound Dollar Award" of the Free Congress Foundation—whose president is Paul Weyrich. Kasich was "to be commended for efforts aimed at restoring fiscal responsibility to our nation," Weyrich had said in announcing the award.

Kasich's conservative credentials are indeed impressive. He has a lifetime 100 percent Christian Coalition rating, and was given the 1993 "Spirit of Enterprise Award" by the U.S. Chamber of Commerce for a perfect voting record. His latest ratings show 92 percent conservative (American Conservative Union) and 0 percent liberal (Americans for Democratic Action).

He has been in the vanguard of downsizing bloated government, having sought to eliminate the Interstate Commerce Commission and the Department of Commerce, and to privatize air traffic controllers. His budget-cutting efforts have been both micro (trying to kill a $500,000 grant to restore bandleader Lawrence Welk's North Dakota home) and macro (attempting, in collaboration with Democratic Rep. Tim Penny, to cut spending by $90 billion). Last year, at age 40, after only a dozen years in Congress, he earned his Budget Committee leadership post after a vigorous campaign contending—with no little justification—that he would be more conservative and aggressive than 60-year-old Rep. Alex McMillan, the North Carolina congressman who was in line for the post by virtue of seniority.

So, what happened to Kasich on the crime bill? Was this but a momentary aberration? Or did it connote a basic transformation?

Neither, really. Rather, Kasich's performance mirrors the state of congressional Republicans generally. The trouble with John Kasich is the trouble with the Grand Old Party. It sheds some light on the Republican failure to capitalize fully on populist currents that it could ride to a dominant political position.

Neither Kasich's determination to shrink the government nor his mastery over budgetary matters can be challenged. But on matters of pressing concern to the GOP rank and file, Kasich is given to the softness that has long characterized the party's congressional wing.

As the newly anointed Republican spokesman on budgetary affairs, Kasich last year personified his party's failure to confront President's Clinton's plan to redistribute income through the tax system. "I would have no objection to a tax on rich people," Kasich said on NBC's "Meet the Press" in May 1993, "but I want to make [spending] cuts for the first couple of years. . . . I don't have any hang-up about saying, you know, you put some surtax or surcharge on people who make a lot of money."

Kasich later conceded to me that his position was in error, but this year he again stumbled over tax "fairness." Trying

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to draft a deficit-shrinking budget with the lowest bottom line, Kasich put on his green eyeshade and came out with a $100-per-child tax credit. The pro-family lobby, headed by Gary Bauer's Family Research Council, complained that so trifling a proposal was not worth fighting for. When Kasich then agreed to raise the credit to $500, two senior Republicans on the budget committee—Christopher Shays of Connecticut and Olympia Snowe of Maine—protested bitterly, saying it would not be "fair" if the tax credit extended to children of the rich. Kasich responded by putting a $40,000 cap on who could take the credit. When pro-family activists protested, Kasich raised the cap to $200,000—limiting its reach, but retaining the "fairness doctrine" nonetheless.

It's not only on taxes that Kasich deviates from populist Republicanism. He opposes congressional term limits (which makes him distinctive among House Republicans only because his opposition is overt rather than covert). One of the few votes that hurt his ACU rating was his support of National Endowment for the Arts funding. He split from the Republican majority in backing the ban on assault weapons in the crime bill. "I thought this was a reasonable measure, to say we're not going to make any AK-47s," he told me. It's no secret that Kasich had planned to vote for the unamended crime bill, warts and all, had it not been kept off the floor by a procedural vote, in which Kasich joined. He doesn't share the conservative disdain for the bill, echoing the Democratic view that the uproar was stirred up by the NRA.

It isn't that Kasich is an apostate. Rather, it's that—like most members of Congress—he's a professional politician first. He's known no other life since graduating from Ohio State University in Columbus as an out-of-state resident (growing up in a Democratic family in a blue-collar Pittsburgh neighborhood). After a stint as a state legislative staffer, he was elected to the Ohio senate at age 26. After one term, he ran for Congress in 1982, defeating a short-lived Democratic incumbent in a normally Republican seat from the Columbus area.

Kasich bridles at the notion that he is an inside-the-Beltway careerist, insisting that—in contrast to many House members—his real home is back in his district. He flies to Columbus at every opportunity to see both constituents and his girlfriend (he is unmarried). He has pioneered a movement for absentee electronic voting in the House to permit members to spend more time in their districts, and talks about—someday in the not-too-distant future—getting out of public life.

But there is no question that Kasich cherishes his Washington position. Variously described as an Eagle Scout or the "fifth Beatle," the youthful politician is hard to dislike. He has won high praise from the capital's establishment—particularly for his work ethic—that would be unthinkable for such bogeymen as Jesse Helms, Robert Dornan, or even Newt Gingrich. His diligence in proposing alternative budgets has been commended editorially by the *New York Times* and the *Washington Post*. He has received the stamp of approval from that powerful liberal arbiter of value in the capital, *Wall Street Journal* columnist Albert Hunt. A poll of 6,000 "movers and shakers" rated him the "best" Republican congressman. The 1994 edition of the authoritative *Almanac of American Politics* calls Kasich "a genuine leader of his party." About the only criticism he's received in the mainstream press came in 1991, after his comic effort to join the Grateful Dead.

All the praise suggests where the boundaries of respectable Washington conduct lie. Efforts to cut the budget by 1 percent or eliminate the ICC may be viewed as misguided but safely within the realm of civil political debate. Not so opposition to gun control or NEA funding, or support for term limits and radical tax cuts. Kasich's deviations from the conservative agenda are those that keep him in the good graces of the Washington establishment. But they also ignore the role that the term limits movement, the NRA, and (considering his position on the NEA) the Christian Coalition have played in winning special House elections this year and must continue to play if Republicans are to make significant gains in November.

"If somebody wants to accuse me of not being an ideologue, I suppose that's correct," a peeved Kasich told me after he came under fire for his role in passing the crime bill. The professional politician in him abhors the ideologue and venerates the negotiator. While building his impressive conservative voting record, Kasich has also built bridges to Democrats. Six years before the Penny-Kasich bill, Kasich entered into a partnership with left-wing California Democrat Rep. Ron Dellums to de-fund the B-2 "Stealth" bomber.

With some pride, Kasich hosted a dinner at his home last year with Hillary Rodham Clinton, in which the first lady (whom he now addresses as "Hillary") discussed health care with him and other Republican House members. Therein lies the danger of elevating the art of the deal over adherence to principle.

Kasich has been well behind the curve on health care. In May, over drinks in Columbus, he told me that the GOP could not afford to be responsible for the death of health care reform and that a compromise must be pursued. A month later, shocked by the determination of House Democratic leaders to pass a health bill with Democratic votes only, Kasich was not so sure. On September 12, he signed a letter to House colleagues titled: "Now Is Not the Time for Health Care Reform!"

It was Kasich's budgetary expertise and ability to deal with Democrats that led Newt Gingrich to assign him to negotiate on behalf of thirty moderate Republicans who insisted on passing a crime bill. Yet there appears to have been a significant gap between what Gingrich and his protégé were seeking. Gingrich wanted Republican demands to be so harsh that they would be rejected; Kasich wanted—and got—agreement. Gingrich voted against the final bill; Kasich voted for it. Otherwise, he said, "I would have no credibility."

A week after his floor speech on the crime bill, Kasich told me he did not intend to point his party toward the middle: "I was rushed, and what I meant to say was how people who agree have to work together." A week later, his confession of error was broader: "I made a mistake in speaking on the floor. I wish I had never spoken." But on the merits, Kasich dismissed as "ridiculous" William Kristol's arguments that the bill runs counter to Republican principles by federalizing the crime problem.

Kasich firmly believes that "I can actually pass a conservative agenda through the House next year." But if he gets insufficient support from his colleagues, he told me, he will reconsider his opposition to term limits. In fact, John Kasich, in his twelfth year in Congress at age 42, is a walking argument for term limits himself. Diligent, personable, and effective, he has come to view himself as mastering the intricacies of government "most people don't understand." That's where he went wrong the evening of August 20. ❐

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At Sea on Foreign Policy

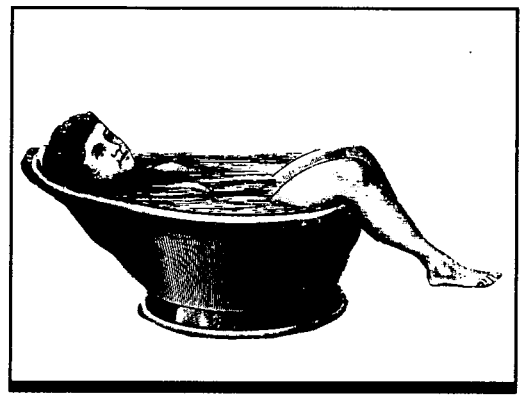
by John Corry

In the end, one side made as much sense as the other. Just after Secretary of State Warren Christopher told White House reporters with a straight face that "we achieved the goals of our policy," CNN broadcast a speech by Emile Jonassaint, the president of Haiti, who was giving Haitians his own fix on what happened. "More than 61 planes were ready to bombard Haiti," he told them, while "two carriers were ready to wipe us out." He and General Raoul Cédras just "couldn't let the annihilation of Haiti happen," and so they had agreed to terms. "You may go to sleep," Jonassaint concluded, "knowing no planes will bombard us."

Thus the Haitian crisis was resolved, even if nothing had been quite what it seemed. All week long Bill Clinton and his people had pronounced anathema on General Cédras and his people, and talked about the "modality" of their leaving. "Your time is up," Clinton had said to them in a White House speech. Then he accused them of "rape, torture and mutilation," "raping women," and "raping the wives and daughters of suspected political dissidents." Madeleine Albright, also hyperventilating on television, said the Haitian leaders "shoot orphans for sport." Curly-headed Joe Kennedy, Jr. contributed, too. He said in the *Boston Globe* that the Haitian leaders made up "one of the most brutal regimes in history."

But then, of course, the Haitian leaders were granted amnesty, and merely told they should sin no more. If they wanted to, they could even remain in Haiti. The invasion was off, although the occupation was still on, and the media seemed nonplused. No network interrupted its regular programming to do a special on the night the agreement was announced. Columnist Mark Shields mumbled something in an interview about Clinton's determination and resolve, but by then even the *Times*'s Anna Quindlen was disenchanted. She already had written that the only place to look for reasons to invade Haiti was "inside Bill Clinton's head."

How should the story be covered? Actually, no one knew. Tom Brokaw would turn up in Port-au-Prince—Dan Rather was already there—although only to report on American troops leaping from helicopters and hitting the ground in defensive positions while Haitians stood around and gawked. It was a peculiar operation for a superpower, but Washington did not want to offend anyone's sensibilities by having the troops look threatening, and the networks all made sure to interview Jimmy Carter. When foreign policy is so ambiguous, the media are uncertain about what makes news. On the day the United States announced an agreement with Cuba on refugees, CBS, NBC, and ABC all devoted the first third of their evening news programs to the USAir jetliner that had crashed the night before. Then CBS reported on Cuba, while NBC and ABC went on to cover the baseball strike. There was nothing new to say about the crash except that no one knew why it had happened, and nothing at all to say about the strike except that it was still going on. In the world of network news, though, that was more important than an accord with Fidel Castro—or what the accord meant. Not long ago, an American president asked a Communist dictator to tear a wall down and let people out. Now a president had asked another dictator to raise one and keep people in.



Before that the Cuban rafters had provoked a crisis, and reporters and correspondents had converged on Havana. We may not know much more about Cuba, however, than we did before they arrived. The Cuban economy is a disaster, and discontent is rising, but we knew that before the crisis. The principal point of which we now must be aware is that Cuba wants the United States to lift its embargo.

Ricardo Alarcon, the chief Cuban negotiator, made that clear. On the night the talks with the United States began, he told Ted Koppel on "Nightline" that the "fundamental issue" was the embargo. He said it had wrecked the Cuban economy, and that it was in the United States' own interest to lift it. Koppel was skeptical, but Alarcon was indefatigable, and repeated himself in interviews all week. In fact, the Cuban economy collapsed when Soviet subsidies ended, and ending the embargo may not be in the interest of anyone except the Havana nomenklatura.

Conservatives may disagree here. The *Wall Street Journal* editorial page says the best way to weaken Communist regimes is to open them to the outside world, and that the United States should lift the em-

John Corry, a former New York Times *media critic, is the author of* My Times: Adventures in the News Trade *(Grosset / G.P. Putnam's Sons).*

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bargo. Nonetheless, a respectable argument may also be made that as Cuban misery grows, the chance to overthrow Castro rises. *Newsweek* reported that a recent Rand Corporation study found that Havana was "drifting toward increased repression and even uncontrolled violence," and that "Washington should prepare for a major crisis and possible U.S. military action." Moreover, the Rand study said, "America can force change only by maintaining the trade ban."

More or less, the White House says it agrees. Ricardo Alarcon and Peter Tarnoff, who represented the State Department in the negotiations with the Cubans, both insisted there had been no discussion or private agreement about normalizing relations or lifting the embargo. The press took them at their word. Still, it was permissible to wonder if Cuba had been given a wink or a nod, or a suggestion that if Castro lightened up the White House would do something nice. When Tarnoff worked in the Carter administration, he had taken part in secret talks in Havana aimed at normalizing relations with Cuba. And, as it happens, eight days after the U.S. and Cuba reached the agreement on refugees, Havana moved away slightly from a centralized economy. It announced that it would allow farmers to sell part of their produce in an open market. Will we do something now for Castro?

Meanwhile, most of the television reporting out of Havana during the crisis suggested that we might just as well lift the embargo. Television—print is a different ball game—said that Cubans blamed the embargo and not Castro for their troubles. The night after Alarcon talked to Koppel, Giselle Fernandez of CBS reported that the rafters thought the embargo was the "root cause of the problems." The next night she declared that Cuba once had been "a beacon of success for much of Latin America and the Third World," and that "Cuba's health care and education systems were touted as great achievements of the revolution." In a way, she was right. Cuba was a beacon, although its beams shined mostly on terrorist camps and African battlefields, while its achievements, although never actually proven, certainly were touted. Fernandez concluded her report breathy with deep meaning: "Some say the trade embargo has never given Cuba a chance to see whether or not Castro's socialism might work."

Fernandez did not identify any of the "some" who say that, although Ed Rabel apparently found one of them that same night for NBC. She was wearing a military uniform with what appeared to be an officer's star on the collar, and when Rabel interviewed her she was driving a car. The people, she said, all blame the embargo. On television, at least, no one wants to flee Cuba to get away from Fidel Castro.

Television has reported this way before, although probably it wants to forget it. When Nicaraguans declined to tell pollsters and correspondents how much they disliked their Marxist-Leninist government, Rabel and his colleagues on the Central American beat reported that the Sandinistas were sure to win Nicaragua's first free elections.

News stories from El Salvador, not to mention PBS documentaries, once suggested that leftist rebels there enjoyed considerable popular support. When the rebels laid down their arms and took part in elections, however, they won only a quarter of the seats in the legislature. Halfway around the world a few years before that, Russians registered their discontent with Mikhail Gorbachev in unmistakable ways, but *Time* magazine in its wisdom chose him "Man of the Decade."

The whimsy is always with us. The night before the recent Mexican elections, "60 Minutes" re-ran "Subcomandante Marcos," an interview with the leader of the Chiapas rebellion that Ed Bradley had conducted earlier this year. It was not very good the first time around, and it got no better with age. Bradley was still the bemused sophisticate, and not a reporter. Marcos, who wore a ski mask and smoked a pipe, beguiled him. He denied he had guns, ammunition, or communications equipment except for inexpensive CBs, while speaking in terse sound bites. Sometimes Bradley helped him.

"What you're asking for," Bradley said, "are basic individual rights."

"Yes," Marcos replied.

"What we call in the United States life, liberty, and the pursuit of happiness," Bradley continued.

"Yes," Marcos said again, presumably realizing he had no need to amplify his case if "60 Minutes" would do it for him.

The encounter upheld a theatrical tradition, this time staged for television. When

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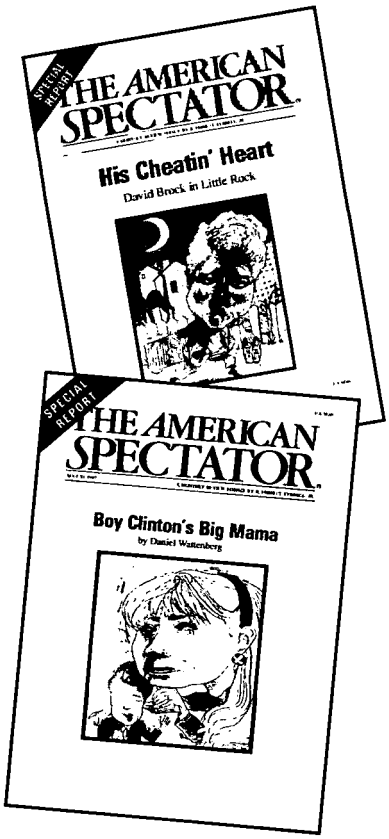

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Herbert Matthews, the *New York Times* reporter, went searching for Castro in the Sierra Maestra in 1957, Castro turned up at night, a picturesque figure with his campesinos. Matthews was smitten, and wrote that Castro was "the rebel leader of Cuba's youth" and "a flaming symbol." Castro supporters mailed thousands of reprints of Matthews's articles all over Cuba. When Bradley searched for Marcos, his men also turned up unexpectedly at night, waving their AKs for the "60 Minutes" cameras. Bradley, like Matthews, was swept away. "Impoverished Mexicans are turning to a new hero: Subcomandante Marcos," he reported, and confused his own feelings with those of the Mexicans. Tape cassettes presumably were mailed all over Mexico.

Marcos's next move is unknown, although recently he issued a statement: "If the war"—meaning the rebellion—"is started again, this time it won't stop. Days, months, years, entire decades will pass and the dying will continue." Bradley's portrait of a romantic, impoverished revolutionary was defaced. Marcos has been unhappy over the results of the recent election. Outside observers insisted it was the fairest ever held in Mexico, but it still left a member of the entrenched party as governor of Chiapas. Marcos, who apparently is an old Sandinista, is threatening to do more killing.

Shafts of light do come through, although you must pay close attention to spot them. In August, or about the time the Cuban rafters were beginning to arrive, the columnist Georgie Anne Geyer wrote in the *Washington Times* that George Bush's people once told her that "early on they had informed Mr. Castro that another Mariel exodus, orchestrated by Cuba, would be considered an act of war." Consequently, Geyer wrote, "Castro made no threats the whole four years."

On CNN's "Crossfire" a few weeks later, Lawrence Eagleburger, deputy secretary of state, and then secretary of state in the Bush administration, had a testy exchange with Michael Kinsley. Eagleburger said that if we wanted to we could "slap Castro around." He used the word "bombing." Kinsley had a snit then, and said Eagleburger wanted to mount an "invasion." Eagleburger had not said that, of course, but he had made an interesting point. ❐

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The Jimmy Lai Story

by William McGurn

Aboard his spacious junk—the *Free China*—Jimmy Lai might be mistaken for any other taipan out on a Saturday morning cruise. Up on the rooftop deck, with the sea wind in their hair, Jimmy and his guests exchange Hong Kong talk over cups of coffee: Chris Patten, 1997, China, democracy, MFN, etc. In the main cabin just below, wife Teresa, seven months pregnant but lithe and graceful, oversees a breakfast spread that ranges from smoked salmon and sweet buns to caviar and Dom Perignon. I half expect Robin Leach and his camera crew to haul alongside any moment.

But this is no leisured mandarin. Only a few weeks earlier, in retaliation for an exposé about Chinese organized crime that appeared in *Next*, the magazine he founded, triad goons smashed windows, jammed locks, and threw red paint at more than two dozen of Jimmy's Giordano clothing outlets; this on top of the Molotov cocktail hurled over the front gate of his house and smashing up of *Next* magazine offices last year. Local mobsters aren't the only ones with a beef. As we sailed out of Victoria Harbour, a Jimmy Lai column calling premier Li Peng a "turtle egg" (a grievous insult in Chinese, having to do with a turtle's apparently uncertain parentage) that had just hit the streets was about to explode into the headlines. Within days China's Foreign Trade Ministry informed Jimmy that his brand-new Giordano shop in Peking would be closed until it straightened out "licensing difficulties."

Almost overnight Jimmy found himself a media sensation, especially in the Western press. Not all, however, admired his pluck—he has not retracted a word of his column—and in business circles (including his own Giordano's board) many could not understand why a man whose company was aiming to sell in China could not keep his big mouth shut. What admirers and detractors alike have missed is that in Jimmy's mind there is no contradiction between the two operations. Both are cut from the same cloth: the rise of an Asian middle class.

"It used to be that there were only two kinds of people in Asia," says Jimmy, "the very rich and the very poor. But information and global trade have brought about a middle class, which is a revolutionary thing in this part of the world."

"These are people who want things now, are impatient for information." Sometimes they are too much even for him. "My God," he adds, shaking his head, "some of these guys are the type who will ask the girl to go to bed with them even before they have bought her dinner!"

In a place where rags-to-riches stories are common coin, Jimmy Chee-Ying Lai's rise from a penniless, grade-school dropout who started out sleeping on the cutting tables of a local glove factory to become a retail and publishing magnate worth an estimated $250 million wouldn't merit a second glance. But even by the individualistic standards of entrepreneurs, Jimmy is different. Many are the self-made men who have cornered markets but few claim to have read all of Hayek, introduced to him by a Jewish lawyer during a stint in New York's garment district. Nor does he fit into any neat political category: while he supported Gov. Chris Patten's controversial push for more democracy ("the *only* area where I agreed with him"), Jimmy's espousal of truly free markets puts him at odds with both Big Government democrats and an old-boy network of fat cats who together control the Hong Kong political landscape. At 6 foot-plus and a burly 200 pounds or so, Jimmy even *looks* different, usually found, as I find him today, in Giordano jeans, a casual white shirt, navy suspenders, and cotton shoes. →

William McGurn is senior editor of the Far Eastern Economic Review.

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But mostly what makes Jimmy different is that he has been virtually alone in realizing the implications of a nascent middle class. Just before I left Hong Kong the first time, back in April 1989, I looked at the construction at yet another luxury hotel-cum-shopping complex and wondered just how many Gucci bags and Rolex watches Hong Kong people (and visiting Japanese tourists) could absorb. There seemed to be nothing between Christian Dior and the street stalls of Mongkok for the average Joe.

I didn't know it then, but Giordano was already changing that. Although the stores themselves had been up and running since 1980—Jimmy took the name from a pizzeria he had known in New York—the Giordano concept didn't shake itself out until much trial and error, and for the first few years it was just another pretentious local boutique. In 1986, he made a critical decision, not so much to bring Giordano down to the masses but to bring the masses up to Giordano. Giordano's casual wear would combine the simplicity of McDonald's, the color and flair of Benneton, and the price and quality of Marks and Spenser. For Chinese.

"Hong Kong people have always been label conscious," says Jimmy, who at 46 years old was born one year before Mao proclaimed the People's Republic of China. "But their assumptions derived from ignorance. They thought the more prestigious and expensive the label, the better the value.

"Today trade and liberalization of the global market is exposing them to more and more, and the more exposure you have the more you learn about real value. And that's what we give them."

If Giordano's 250-plus outlets across Asia are any clue, people are learning fast. In Hong Kong alone there are now forty-four shops, and at about $3,000 per square foot in sales, Giordano is arguably Hong Kong's most successful retailer. Everything about it is different. A computerized inventory system reduces overhead and keeps shelves stocked with what moves fast. Service is as much on sale as the clothing: In contrast to the sullen salesgirls that have become a fixture at most Hong Kong shops, Giordano's customers find a staff eager to help.

So successful has Giordano's been that it now has spawned a host of clones (Bossini, U2, G2000), all marketing along more or less the same lines. But Jimmy doesn't worry. "The copier knows only how to follow," he says. "He doesn't understand the why, and so he will never lead." Even China seems to have come around, hailing Giordano's as a "model" foreign enterprise, though it took Jimmy's resignation as chairman to do it.

It might at first seem a stretch to move from sportswear to publishing, but for Jimmy it was a logical step: he's after the same people. The idea came to him after Tiananmen Square. Back in 1989, he impulsively printed up 25,000 T-shirts in support of those demonstrating in Peking and donated the proceeds to the cause. When Deng Xiaoping sent the tanks rumbling in, he was shocked. A friend remembers him crying. But not for long. Soon he resolved to start a magazine that would give these new Chinese a voice. Characteristically, he called it *Next*, because it was his next project.

Today *Next* is Hong Kong's most popular magazine, with 180,000 circulation and expected profits this year of about $12 million. Again it has scored a number of firsts, including being published in two separate sections that gives vendors a choice of cover to put on the outside; like Giordano this has now been copied by rivals. Although firmly committed to free men and free minds—its editorials come from Yeung Wai Hong, the Bob Bartley of South China—Jimmy insists that they don't preach, and news is soft and oriented toward stories people are interested in: organized crime, lives of the famous, exposés of life in China from prostitution syndicates and the black market in babies to the grim sweatshops of Guongdong. Much of this relies on high-risk trips into the mainland by its Hong Kong reporters, all of whom are well aware of the *Ming Pao* correspondent now serving twelve years in prison after publishing some rather ordinary statistics on gold reserves and interest rates that somehow offended Li Peng. And he thinks more of us should do the same. "I tell my people to think of ourselves like the Mormon Church," he says. "If you send out a beautiful blonde to ring doorbells, you are going to have a better chance of getting people to listen to you. We can't have long-faced guys murmuring about God and expect people to open the door for them."

Not exactly how Hayek (or a Mormon) would put it, but even that may be deceiving. Cantonese is an earthy language, and Jimmy uses it well. Lesser minds have taken this earthiness and lack of formal education as a sign of ignorance, but then again people thought Ronald Reagan stupid too. Like Reagan, Jimmy expresses himself on complex issues in a way that people immediately respond to, whether its the dangers of social security (a frequent Jimmy target) or the evils of Communism (e.g., his column on Li Peng). As with Reagan, this is most likely because he has thought them out for himself. In fact, what Jimmy says he finds most attractive about reading Hayek is not so much the truth Hayek reveals but "the passion for truth" that comes across on each page.

These days in Hong Kong, there is much to excite Jimmy's own passions, especially its own little road to serfdom. With 1997 approaching, he believes that the overriding need is for smaller gov-

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ernment, both to reduce China's potential power over Hong Kong people and reduce the opportunities for corruption. Unfortunately, there is no one in politics for the Giordano class. Big businessmen toady to China on politics and have no intention of breaking up the cartels that exist in areas like banking, while on the democratic side Martin Lee (whom Jimmy admires and calls a "saint") presides over a party that pushes for democracy but debilitates its message with a platform that would raise taxes, increase public spending, and regulate anything in sight. On the whole, Jimmy thinks, cold British colonialism, with its emphasis on minimal government, was less a threat than Governor Patten's welfarism. "We have more to fear from a Britain that loves Hong Kong than one that didn't think we were worthy of socialism."

Yet Jimmy remains an optimist. The global information movement, he believes, is giving individuals the edge over government, and even Hong Kong's encroaching welfare state will find it hard to triumph over the unparalleled Chinese ability to evade taxes and thwart regulation. At a time when virtually all Hong Kong publications are trimming their editorial sails to the chilly winds from Peking, the attacks on Jimmy by Communist officials and Hong Kong triads alike have only boosted his credibility. In mid-September, after the flap over his column had supposedly died down, Giordano's Peking branch received another closure notice from authorities. Typically, Jimmy looks at all the fuss as an opportunity: next year he will launch a new Chinese daily, which he intends to call *Apple* because it is both tempting and wholesome. "There's a market for an honest voice," he says. And a price. ❐

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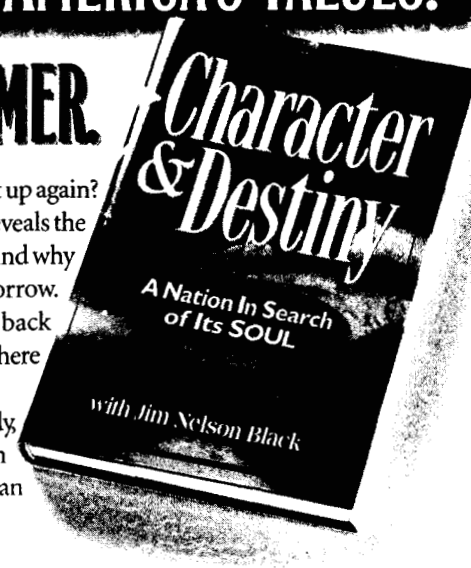

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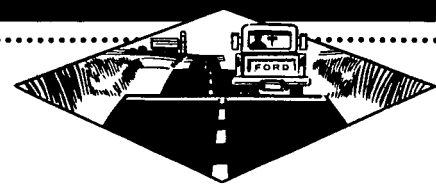

The Meaning of Whitewater

by James Ring Adams

One of the great mysteries of the modern world is why some scandals convulse American politics and others pass without a whimper. Richard Nixon resigned the presidency for behavior that in France, for instance, is government routine. But George Bush went virtually unscathed for bending the rules to make loans to Iraq, even though, in what the French would call a *grande scandale*, some of the funds may have financed the Scuds that killed dozens of Americans. But there is a hidden logic, and it explains why Whitewater, a conglomeration of shady loans and land deals, has already been called a constitutional crisis.

It comes down to Checks and Balances, that chestnut of eighth-grade civics. Watergate achieved mythic status not as a burglary but as an attempt by the executive branch to usurp powers. Nixon relied on White House bunglers like the Plumbers precisely because he felt the career bureaucracy would resist performing illegal errands. Iran-contra constituted another administration attempt to circumvent the will of Congress, the Boland amendment. The ambiguous outcome resulted in part from a popular suspicion that Congress, in an attempt to micro-manage foreign affairs had itself overstepped its proper powers. Meanwhile, the covert U.S. financing of Iraq in the 1980s failed to arouse comparable public anger, even though the bungling led to a war and loss of American lives. It was foolish, but it was the sort of foolishness appropriate to the executive branch.

One aspect of Whitewater threatens to put it up there with Watergate. As Iowa Rep. Jim Leach (and almost no one else) is arguing, congressional leaders are elevating the affair to a constitutional crisis by refusing to do their duty of overseeing the executive branch. One of the foundations of American government is House Rule X and its Senate equivalent, which requires a congressional committee to hold "continuing review" of the way federal agencies carry out the laws in the committee's jurisdiction. This rule creates the famous "Iron Triangle" of committee chairman, senior bureaucrats, and special interest groups that gives an independent life to so many federal programs, but it's also the practical device that makes balanced government work. In the case of Whitewater, it has broken down.

House Banking Committee chairman Henry Gonzalez has refused for nearly a year and a half to hold oversight hearings on the Resolution Trust Corporation, the clean-up agency for the savings and loan crisis, even though he wrote the law requiring oversight hearings every six months. His Whitewater hearings this summer, the product of a leadership deal, were a ludicrous exercise. The Senate made a serious bipartisan effort, but it let the special counsel limit its scope, an unprecedented abdication of congressional power.

Chairman Gonzalez set an even more dangerous precedent. He instructed the RTC *not* to cooperate with Leach, the ranking Republican on his committee. Gonzalez claimed that only the committee chairman has the power to conduct oversight, and the RTC under Roger Altman and John Ryan gladly complied. This coup demands attention. Leach charged that this stonewall appeared to originate in the White House. Or, as he put it, the issue was "a collusive effort by the majority party in the Congress to aid and abet the executive branch in its concerted effort to deny disclosure of information related to legitimate congressional oversight."

Leach himself demonstrated the value of two-party congressional oversight. In early February, shortly after the "smoking gun" meeting in which Washington tried to guide the outcome of the S&L regulators' criminal investigation of Madison Guaranty (See *TAS*, October 1994), Leach flew to Kansas City and interviewed the field investigators about the pressures from above. When Gonzalez abruptly canceled the Whitewater hearing scheduled for March 24, Leach took his evidence to the public in a sober but riveting floor statement. The Whitewater investigators are paying a heavy price for their persistence, but without this outlet to Congress, they may well have been muzzled entirely.

Imagine how things will go if the Gonzalez precedent catches on. The nonpartisan civil service would lose its ultimate source of protection. The party that controlled both Congress and the presidency could short out the safeguards built into the two-party system and the constitutional separation of powers. It wouldn't take long for the federal government to degenerate into the kind of corrupt one-party state found in, say, Arkansas. The whole point of Whitewater, in fact, is that it already has.

It's appropriate that the RTC and House Banking are leading the decline. The most rotten spot in the federal government for years has been its handling of the savings and loan debacle. A series of bad bills in the early eighties opened the thrift industry to shady characters, including Bill Clinton's friend and mentor, James McDougal. Rather than cure the problem when it reached a crisis, House and Senate leaders used their leverage to protect their shady friends, and the Republican White House yielded readily.

All through the eighties, the cover-up was abetted by the mainstream press, which proved totally unable to cope with anything requiring even modest financial sophistication. Some reporters for the *Wall*

James Ring Adams is The American Spectator*'s special Whitewater correspondent.*

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Street Journal's news pages were worse than incompetent, slanting their coverage to favor the criminals. This record is worth remembering when the bigfoot journalists on TV say Whitewater is boring.

It's a sad reversal that chairman Gonzalez is the latest agent for the cover-up elite. His 1989 hearings were the first to expose the five U.S. senators who had bullied regulators on behalf of S&L crook Charles Keating, Jr. But this time, his committee majority blandly accepted a standard of conduct that not only facilitated political manipulation of thrift regulation but declared it to be ethical and proper. One hopes it wasn't for his 1994 performance that the John F. Kennedy Library Foundation recently gave Gonzalez its Profiles in Courage award.

The more obvious candidate for an award for political valor would be Jim Leach. In spite of the rebuff from Gonzalez, he took the RTC to federal court to shake loose the Madison documents. The district court ruled against him, on the grounds that the conduct of Congress is a political question, not subject to court review. But at the end of September Leach's pro bono lawyers, from the firm Covington and Burling, announced they would file an appeal, heading the case toward a major Supreme Court decision. On a parallel track, Leach's allies on the Government Operations Committee are invoking a lesser-known rule peculiar to that committee by which any seven members can petition an agency in its jurisdiction to release documents. This petition has the force of a subpoena, and it may finally shake loose the 250 boxes of Madison-related documents the RTC is now holding in Kansas City. If this round-about route works, it could make Leach's case moot.

In any event, the strongest defense of Checks and Balances can't come from the courts, one of the players in the system. Like the Constitution itself, it ultimately rests on the popular will. Voters in November will have the chance to avert one-party rule by the simple means of replacing the Democratic majority in the House and Senate with a Republican one. In 1992, Clinton and Gore campaigned against "gridlock," their code word for the frustrations of two-party government. The historic significance of Whitewater now lies in the extent to which the mid-term elections will become a referendum on the abuse of one-party rule. ❐

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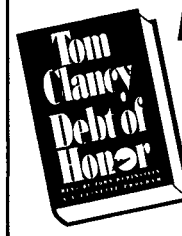

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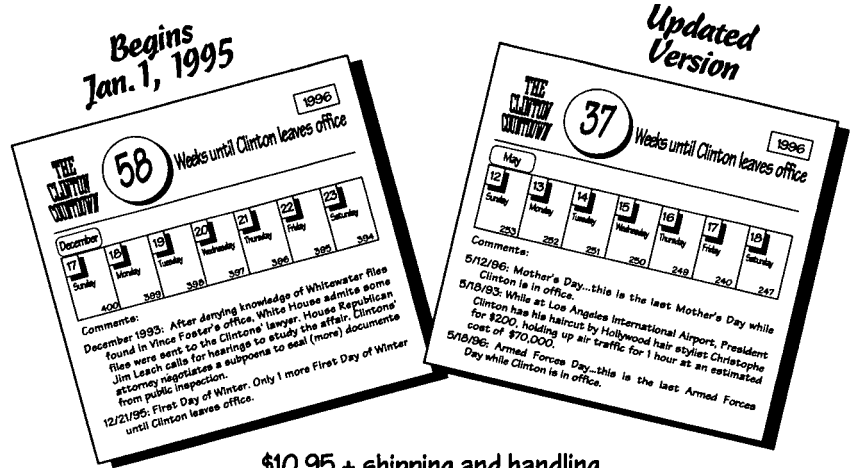

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Laughing All the Way

by Benjamin J. Stein

Saturday

A perfect late August day on the north shore of Lake Pend'Oreille in North Idaho. Today, I'm taking a sailing lesson in a fourteen-foot Holder boat. My son Tommy is taking a lesson in a Laser. After the sailing, my son fishes from a weather-beaten dock, and then he and his pals Alex and Rachel stroll into town over a covered bridge, to buy sour bubble gum at the Candy Cottage. When he comes back he tells me he wants me to buy him a sailboat.

I told him that *maybe* when he's twelve I'll buy him a small sailboat. *Maybe*. "Why not now?" he asks, and then he begins a familiar litany of things he wants—more fishing tackle, a motorboat, a one-man submarine. Good-naturedly method-acting all the way, my Tommy starts to whine about how come he doesn't have a boat or a submarine, how come he has to go back to school soon, how come he doesn't have more lures for his tackle box. But by then, I have just zoned out into the pure Rocky Mountain air.

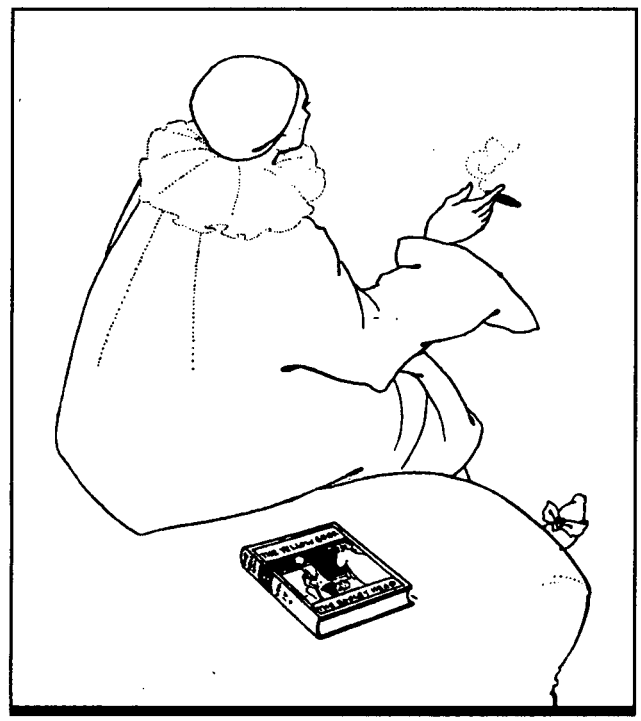
On the beach and the grass, families are on blankets and towels, eating fried chicken, watching their young ones in the water, occasionally tossing a Frisbee back and forth, then a ball, and then settling back into the routine of a perfect North Idaho day. I start thinking about when I was a child in Silver Spring, Maryland. Let's see, when I was Tommy's age it was the summer of 1952 and I could ride my Schwinn from our rented house in Rehoboth Beach, Delaware, to the beach in front of the Henlopen Hotel, where we pitched camp next to Senator Estes Kefauver and not far from Justice Vinson. Then I could ride over to the grocery store, to George's Lunch French Fry Palace, then to a little bay, and then back to the beach—all in perfect safety. Now Tommy and I have to fly a thousand miles and drive a hundred miles from the airport to find a place where children can play safely.

But what I'm really thinking about is an idea I have for a movie. Tommy's given it to me. The idea is for a movie about a ten-year-old middle-class—well, maybe upper-middle-class—boy who is always bitching and moaning about not having his lilies completely gilded, about not living like The Last Emperor.

One night, after he's thrown a particularly wicked fit about something like demanding his own season tickets to the Raiders, he falls asleep and has a dream, which he does not *realize* is a dream. In the dream, he is awakened by the sound of loud rap music. "Bitchin'," he thinks to himself, "Daddy Bueller is listening to some cool tunes."

But in fact he is listening to the music from the hallway of his beaten down housing project in south side Chicago, where he lives with his mother, a 25-year-old heroin addict with three other children, in an apartment where roaches and rats roam freely, where machine gun bullets carom off the walls. He is beaten up on the way to school, has no money for lunch, is always hungry, and fears that his mother's pimp will kill him if he bothers them while they snort drugs.

Then, when he falls asleep in the housing project, he has another dream—this time that he is awakened in a ratty school bus that has been converted to a traveling "home" for migrant workers in Florida. He has to work from before dawn to dusk. He is bitten by cruel insects. He has no father. His mother has TB. His life is miserable. Then he might find himself in a refugee camp in Guantanamo Bay.



Anyway, when he awakens from this sleep and finds himself back with his upper-middle-class parents, he is wildly grateful.

It's funny, but after I had this idea for a movie, I kept thinking of how the *really* good movie would be about an upper-middle-class American man or woman (I would prefer a woman) who has the same kind of experience. A tennis-playing, complaining plutocrat who awakens one morning

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to find himself or herself a homeless person on the streets in downtown Los Angeles, with no money, no connections, no credit, and mentally ill besides. What would he do? What would she do? What a nightmare.

Oh, well. Back to a far better reality.

Monday

Let me tell you how retailing should be. We had dinner at the Pizza Hut here in Sandpoint with Tommy and his pals, and then Tommy wanted to buy more gear for his tackle box. More "loooors," as he calls them. We headed to the K-mart and slipped inside the doors just before the 9 p.m. closing time. The store was quiet. The last few shoppers were paying at the cashier's station and talking with the cashiers as purchases were rung up.

I went to look at my current obsession, stereo headphones, and Tommy went to look at their vast sporting goods department. Almost immediately, there was an announcement that the store was now closed, and people had to leave. I went looking for Tommy and found him staring at an immense display of tackle, hooks, weights, floaters, "loooors," and flies. "We have to leave at once, Tommy, my boy," I said. "The store is closed, so you won't be able to get anything this trip."

Two middle-aged women sales clerks appeared at the display. "Don't you worry," they said. "We won't let them lock you in, Tommy. You take your time."

Tommy smiled at them, and then smiled at me, and then picked up a fly-fishing kit. "This is it," he said.

He proudly took it to the cashier, a red-headed fellow. The guy looked at the kit, looked at Tommy, and said, "This is a lot of equipment for this price," he said. He looked at the kit carefully and said, "You'll catch a lot of fish with this. If you don't, you bring it back and I'll show you how to tie them so they do catch fish."

Then, when we left, two more clerks who had heard me talking to Tommy said, "Good luck fishin', Tommy," and then they let us out.

Now, here's my point: In that visit to the store, we spent maybe forty bucks on fly-tying equipment and new stereo headphones. For that, we were treated more like family than like customers. I have bought diamond necklaces at stores, bought suits and cars and furniture at stores, and never been treated that well. Someone at the Sandpoint K-mart is doing something very right.

Tuesday

Little Mr. Perfect and I are heading back to L.A. this afternoon. As we are getting dressed, he's watching his new favorite show, "American Gladiators," a truly inspired work of genius. The people who thought it up must have been acquainted with Juvenal's great comment upon the Romans even in the days before Augustus. "The people that once bestowed commands, consulships, legions, and all else now concerns itself no more, and longs eagerly for just two things: bread and circuses." By that, the satirist meant that the Roman people had once been concerned with civic virtue, but had been bought off by free grain—brought in cheaply from the provinces and especially North Africa and Spain—and the also free daily spectacle of circuses. Thus distracted, they no longer paid attention to the long, slow slide of their great Republic into consulship and

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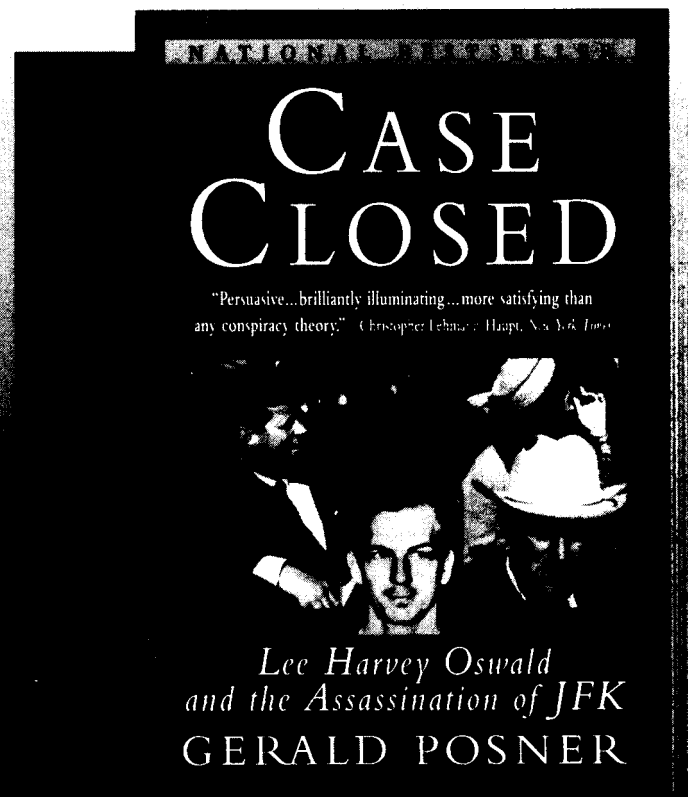

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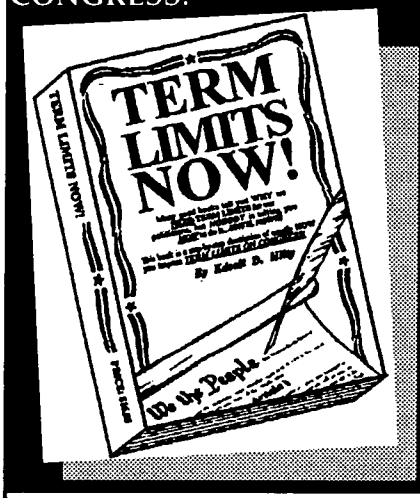

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then dictatorship (although the worst happened after Juvenal's death). Still, Little Perfect is obsessed with the "games" where scantily clad men and women shoot foam arrows and balls at each other, pull each other down from high places, and hit each other with pugilsticks. I think the people at Universal who made that show must sense malaise upon the land and know that we crave only cheap, fast food and spectacle. Someday, watching "American Gladiators" will probably be mandatory.

"Daddy, you should be an American Gladiator," Tommy said to me, "because you're so terribly, terribly strong."

Now, this is really sweet. "Daddy isn't really very strong," I said to him candidly. "I just seem strong to you because you're seven years old. When you're seventeen and lifting weights, you'll think I'm not strong at all."

"Well, you seem very strong now," Tommy said. "You can lift up my whole body with one arm."

Tommy and what he says and does are my Proustian tea leaves. They evoke all kinds of thoughts about life and mankind.

First, as to what I was thinking before Tommy distracted me with his clever compliment, I notice that after he's been watching a TV show or a movie with violence, he acts violent. He starts to kick me with karate kicks after he's watched "The Mighty Morphin Power Rangers," likewise with "Teenage Mutant Ninja Turtles," and pretends to shoot me after watching TV ads for "True Lies." This makes me wonder: What if he never saw TV or movies at all? What would his life be like if he only had to interact (to use a horrible phrase) with reality itself, not with the gross, overblown, overviolent alternative world of mass culture? What would his life be like if it extended only to Los Angeles's west side, Lake Pend'Oreille, his cousins in Philadelphia, and his grandparents in Arkansas and Washington, D.C.?

What would the life of the ordinary American be like if he did not have someone from the telescreen shouting at him night and day that he has to compare himself with immortal, inhumanly brave billionaires on TV? I think that the best way to make a person mad is to make him compare himself unfavorably with others and their lives day after day. Isn't that what TV does? And movies? Make our own lives seem small and petty and not violent enough?

The next thought I had—all the while looking out at the lake and then trying to find Tommy's clothes—was of how amazingly different a seven-year-old's view of his father is from the father's view of himself. To him, I'm strong, rich, powerful, the ultimate boss. To me, I'm just another shlepper with a weird voice who occasionally happens to get lucky in Hollywood and who has made some incredibly poor investment decisions. Tommy genuinely looks up to me. He recently asked me a question about how paint gets its color and when I said I didn't know, he said, "But you know *everything*."

We parents have to know that to our kids, we are gods, at least when they're six or seven. They address us with bottomless reservoirs of unmixed love and hope. If we respond, they pay us back beyond our wildest dreams.

Wednesday

Back in L.A. Since I no longer have a messengerette, I do my own little errands. Today, as I drove over to my optometrist to get my glasses fixed, I saw:

- a police chase of two Hispanic youths into a gas station where the kids were handcuffed and put against a police car.
- a truly beautiful red-headed hooker walking down Sunset near Stanley with a short skirt and no underwear, giggling at the passersby who gawked at her.
- a homeless man bathing his entire body in a fountain in front of a company that does audience surveys for new TV shows.
- a car that had crashed into a bus stop, leaving shattered glass all over the street.
- another police cruiser arresting the men who had apparently been inside that car.

"Sunset is always like this," said my optometrist's assistant. "It's life."

On the way back, a laughing, grinning policeman was arresting the red-headed prostitute with no panties. She was laughing, too.

For dinner, Tommy refused to come with me to Pasadena. He had to prepare for his fishing trip to Catalina. I drove

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out to the grand neighborhoods near the Arroyo, looked at heavily forested, lovely streets and fine homes. Then I had dinner at a Chinese restaurant with my former assistant Mimi. She's about to marry a wonderful guy named Greg. He's got his own insurance business. He's from an old Los Angeles family. I think they'll be happy. Mimi's grandfather was a famous inventor. He actually invented tin foil, I think, or something else at the Bell Labs.

On the way back, I drove along the wide, beautiful, stately Orange Grove Boulevard. It used to have all mansions, and now it's all apartments. But they're nice, spacious and bright. The palm trees are stupendous, and the sidewalks are immaculate. Maybe Tommy would like to live here. In my car, I was listening to some cretin say that the whole Whitewater affair was a Republican vendetta against Clinton because Republicans were jealous of what a great, youthful President he is.

I am sure that some day I am going to have an actual stroke after hearing something like that. Generally, when I hear that kind of trash about Clinton, I try to mellow out by playing a game of "Political What If":

- What if a Republican surgeon general had recommended legalization of narcotics and then it had been discovered that at the same time, her son was a drug dealer?
- What if a Republican commerce secretary had a business partner connected with someone who had been actively looting S&L's?
- What if a Republican attorney general had closed down narcotics-trafficking prosecutions?
- What if a Republican first lady had openly flouted a federal court order to open hearings of a commission she was chairing with congressional approval?
- What if a Republican president's home town critics were turning up dead and badly beaten?
- What if George Bush or Ronald Reagan had been accused in sworn court papers of sexual harassment?
- What if Richard Nixon had been business partners and the recipient of large personal loans and gifts from a man who was then indicted for looting an S&L (and pleaded not guilty by reason of insanity)?
- What if Gerald R. Ford had been accused by his police guards of using them to procure women on a regular basis when he was minority leader?

What does it tell us that the media basically treat all of this as if it were not happening?

Thursday

Walking the dog, just walking the dog. The dog is Ginger. She's an elderly German short-haired pointer. She was Alex's, but when Trixie entered immortality, Alex gave me the right to take Ginger for an unlimited time. I'm falling in love with Ginger. She has gray hair and a way of screaming, literally keening for attention when she wants to have her stomach rubbed. She talks to me and skitters around on my hardwood floors and sleeps next to me.

During our walk, I came across a lovely woman walking her Pomeranian, a breed one rarely sees anymore. "What's your name?" I said to her after we had discussed our dogs.

"Stacie," she said. "Short for Stasia."

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"Stasia? That's a rare kind of name," I said. "Stasia."

"It's short for Anastasia, the princess from Germany who was murdered by the Nazis when they took over," the woman said with a smile. "My parents loved the name."

"The princess from Germany?" I asked.

"Yes, from a part of Germany called Prussia. The Nazis killed her father, the Czar of Germany, and some people thought she survived, but she probably didn't."

"I see," I said. "Well, have a nice night."

I walked on and turned a corner. I heard a man singing "Summertime Blues." He was standing on his balcony singing, but singing really well, into the night air. This city is the playground for young minds, I thought. Young minds of all ages. I tried to imagine Bill Clinton talking to the woman named after the murdered princess from Prussia. I think she would understand his explanations of what he was doing when he took money from a federally insured S&L and never paid it back. Bill Clinton would have a good time here altogether.

Monday

Marshall, Virginia. Three o'clock in the afternoon on a magnificent Labor Day with just the slightest hint of fall in the air. Just a hint. I'm at a farm in the Hunt Country. Two days ago, I visited this place with Wlady, who kept me company while his family was still in Poland. I liked it so much I came back today to see it again. It's on rolling hills in the southern end of the hunt. The house is a large Cape Cod style that looks over the hills and valleys and off to the Blue Ridge Mountains. It used to be owned by a man who was in the State Department for fifty years. It's in fairly rough shape, but it is approached by a gorgeous lane of dogwood trees. I probably can't afford it, but I want to try to see if I can.

The real estate agent and I are getting a tour from the late owner's brother-in-law. He's a man in his eighties in work clothes. He's leading us through a field of high harvest grass. At every step clouds, yes, clouds of grasshoppers fly into the air in front of us. Flocks of white butterfly-like insects fly behind the grasshoppers. I have never seen anything like it.

"My brother-in-law was doing something funny up here," the guide says. "He was in charge of a place they called Mount Weather. It was a hollowed-out mountain that they were going to use to hide the president and the cabinet and the Congress in the event of a nuclear war. If they all got killed before they could get to Mount Weather, my brother-in-law would be president. At least that's what I remember."

I had heard of Mount Weather for years. My father was supposed to go there in the event of The Big One when he was a honcho for RN. I always wondered what was in there. Maybe there still is a Mount Weather. For Clinton, it would mostly have lots of girls. For Hillary, it would have . . . ah, why bother thinking about it? The brother-in-law has just showed us a hidden fishing pond that Tommy could use for his own. It's in the middle of a field of maple trees, and it's got a little fishing dock that probably hasn't been used for twenty years. Maybe under that dock is a secret passageway to Mount Weather. But here on top of it, it's a perfect day with maples all around, fleecy clouds far to the south where Stonewall Jackson marched his cavalry from to save the day at Bull Run. I like it here. It's nice to dream.

Monday

Dinner at Morton's. It was an exceptionally quiet Monday, in the sacred period between Rosh Hashana and Yom Kippur. The place was deserted except for a few couples who had lucked into getting the kind of tables they would not normally get even if they were walking in with stacks of poker chips. They would have a lot to tell their friends back in Lodi. At about 10:30, just as we were getting our check, a vast, indecently large white Cad limo pulled up, much more *de rigueur* for Spago than for Morton's. Out stepped a jaunty, fit, confident fellow in a dark double-breasted blazer and a five o'clock shadow six hours past due. Bob Shapiro looked as if he were ready to go five rounds with Marcia Clark (and lose). His companion was a goofy-looking, much older man in—of all things—a loose-fitting sailor's outfit, including bell-bottoms, T-shirt, and cap. Bob Evans was bobbing on his feet, wearing an inexplicable smile, hovering at Shapiro's elbow like a slightly tipsy wife afraid to be left out of the action. They talked to a light-skinned black girl for a few minutes. Shapiro gave an autograph. Then he talked to a woman from Lodi in a strapless dress. Then he looked around for other fans. Finding none in the restaurant, he headed toward the bar and shook the hand of a black man in a porkpie hat.

Bob Evans sat at a table waiting for his date, looking slightly sad and still smiling that confused smile.

When Shapiro came back, they looked lonely together, celebrities without fans, hungry, so to speak. "They just came from the fights," a waiter said.

In the parking lot, an attendant said to me, "How you say it? Gangsta?"

"Gangsta's lawyer," I said.

"Right. Gangsta's lawyer, not gangsta," he said, and then he laughed.

I pity the poor immigrant,
Who wishes he would have stayed home,
Who uses all his power to do evil,
And in the end is left so alone . . .

It's a Bob Dylan song about *The Godfather*. I thought of it all night until I fell asleep, also alone, in this lonely town. ❐

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Clinton Justice in New Jersey

by Terry Eastland

Bill Clinton's claim to be a New Democrat has been contradicted most recently by the decision of his assistant attorney general for civil rights, Deval Patrick, to change the government's position in a New Jersey affirmative-action case. The *New Republic*'s Martin Peretz and Albert Shanker of the American Federation of Teachers have already denounced the move. Democratic Leadership Council president Al From has not yet taken a stand, preferring, as one aide tolds me, to speak in "broad brushstrokes." But as this case draws more publicity, From and other New Democrats will have to join Peretz and Shanker in public opposition to the radical arguments Patrick is advancing—or else face accusations that the New Democrat movement is little more than an electoral charade.

The case dates to 1989 when, for budgetary reasons, the Piscataway Board of Education decided to lay off a business teacher at Piscataway High School. The choice was between Sharon Taxman, who is white, and Debra Williams, who is black. The board chose to lay off Taxman, purely for reasons of "diversity"—which is to say, race. Taxman complained to the federal Equal Employment Opportunity Commission, and in 1992 the Justice Department sued the board on her behalf. In September 1993, federal district judge Maryanne Trump Barry ruled that Piscataway had indeed discriminated against Taxman on the basis of race, in violation of Title VII of the Civil Rights Act of 1964. The school board appealed the decision to the U.S. Court of Appeals for the Third Circuit.

With the answer coming due this past July, Justice asked the court for additional time so that it could prepare an *amicus* brief—*supporting* Piscataway. In early September, with the filing of that brief, Justice completed an unprecedented about-face that could prove, as New Democrats well understand, a major political miscalculation.

Justice's switching sides—and dumping Sharon Taxman—is only slightly less interesting than its legal argument. It would be unethical, a gross violation of the attorney-client privilege, for a private lawyer to win a judgment for his client and then, on appeal, abandon his client and go work for the other party. The situation in *Taxman* v. *Piscataway* (as the case is now called) is not precisely the same. Though the case would not have arisen if not for Taxman's complaint, and though Justice sought relief for her specifically, the department had represented not Taxman but the United States in the district court (under the Civil Rights Act of 1964). Still, Sharon Taxman herself intervened in the case as a plaintiff, adding a complaint under state law. Her attorney, Stephen E. Klausner, and the government worked closely in preparing the case and shaping the ultimately successful argument. Taxman was as close to being a client of the Justice Department as you can come.

No one disputes the right of an administration to change in a lawful manner enforcement policies inherited from a predecessor. Nor the right of an administration to switch sides in a case handled entirely by its predecessor; or even (if there is a relevant change in law) to change course in a case it has brought. But the *Taxman* case fits none of these categories. No lawyer I talked to, nor any consulted in news accounts of the case, could recall another civil case in which, short of a change in the law, the Justice Department as a plaintiff won a judgment in district court only to refuse to defend it—indeed to argue against it—on appeal. Not even the Reagan Justice Department, often accused by civil rights activists of "politicizing" the law, tried anything so brazen. As Michael Carvin, who served in the Civil Rights Division during Reagan's first term, points out, not once did the Reagan Justice Department refuse to defend a civil rights judgment it had won.

And make no mistake: it was the *Clinton* Justice Department that won the *Taxman* case, despite its attempts to muddy the issue. Accompanying its brief is a summary of the department's efforts in the case. It is a disingenuous document. Twice it notes that the Bush Justice Department sued the school board—as though this case were entirely handled by its predecessor. The summary omits the fact that the Clinton Justice Department continued the case through the critical stages in the second half of 1993, even winning $123,240.57 in back pay for Taxman. The Clinton Justice Department could have withdrawn earli-

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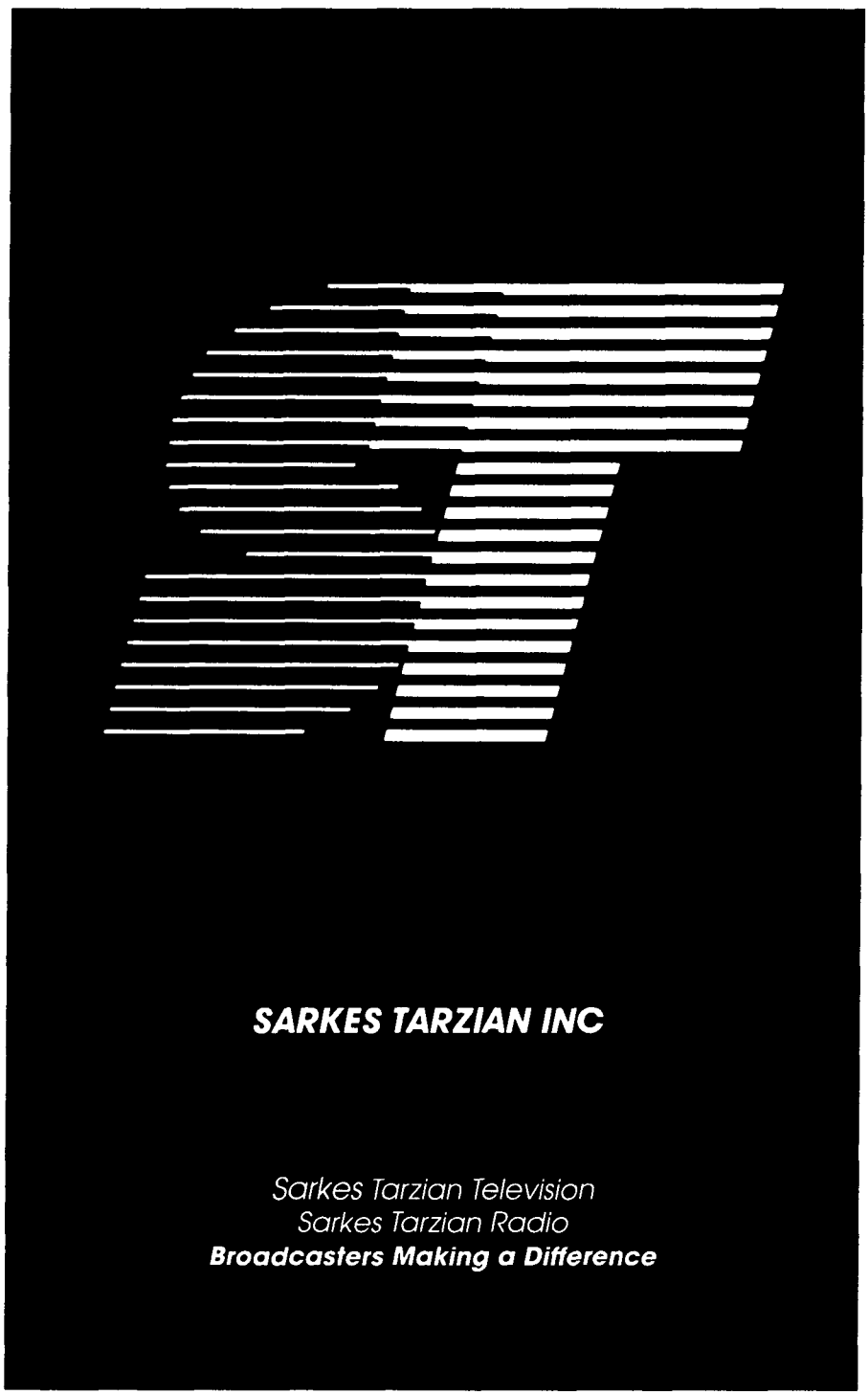
er, before it triumphed in court, and thus before Sharon Taxman had good reason to think the worst of it.

Aware of a budding political problem, the Clinton administration now represents *Taxman* as a "narrow case." But even if narrow, it is not unimportant. In fact, the administration is using *Taxman* to further its dangerous vision of what the law should be—in which "diversity" triumphs over individual rights.

The relevant facts in the case are "almost entirely undisputed," as Judge Barry remarked in her opinion. On September 1, 1980, the board hired both Sharon Taxman and Debra Williams as business education teachers. When in 1989 the board decided to reduce the number of business-ed teachers, Taxman and Williams, who were deemed equally qualified, had the least seniority of the ten-person staff. In the past, such "seniority ties" had always been broken by drawing lots. But, knowing the race of each, the board invoked its affirmative action program to break the tie. Under this program, voluntarily adopted in 1975, when persons appear equally qualified, those "meeting the criteria of the affirmative action program"—i.e., blacks and other government-designated minorities—will be given the nod. In a letter to Taxman, the board explained its decision in terms of its commitment to "affirmative action."



Taxman saw the decision for what it was—a naked racial preference lacking the kind of justifications courts have previously demanded. Under the leading Title VII cases—*United Steelworkers of America* v. *Weber* (1979) and *Johnson* v. *Santa Clara* (1986)—racial preferences pass legal muster if they are designed to remedy past discrimination or to correct "a manifest imbalance" in the workforce. Piscataway's affirmative action program had neither justification. It was not adopted to remedy past discrimination: until Taxman complained, no one had ever accused the school system of discrimination. Nor was the program undertaken to correct for "underrepresentation" of minorities: the most recent analysis of "underutilization" in the school system showed that blacks comprise 5.8 percent of the available labor market in Middlesex County, and 9.5 percent of the educational professionals employed by the board. It is in the light of *Weber* and *Johnson* that Piscataway's affirmative action program was found invalid by Judge Barry.

It is hard to see how she could have ruled any other way. Unless, of course, she had played the role of an activist lower-court judge, willing to weave together strands of opinions in the case law in order to promulgate Patrick-approved doctrine that has yet to be embraced by the Supreme Court. Justice's amicus brief positively *invites* judicial activism by the Third Circuit. Seizing on the court's statement in *Weber* that it is not "today defin[ing] in detail the line of demarcation between permissible and impermissible affirmative action plans," the brief pulls from various opinions in a series of Supreme Court affirmative action cases, including *Weber* and *Johnson*, in order to expand the definition of permissible affirmative action. In sum, affirmative

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action—i.e., a racial preference—can lawfully be premised on the idea of ensuring diversity.

If this becomes the settled law of Title VII and the Constitution (which, as is clear from its brief, Justice similarly misreads), the implications are momentous. Justice's argument would allow a public or private employer to use "diversity" criteria in all employment decisions—hiring, promoting, and laying off. And note that an employer could be guided by "diversity" not just in how he regards his staff as a whole. *Taxman* is a case not about the entire teaching staff employed by Piscataway but about a small subunit—the ten-person business-ed teaching staff. A race-neutral method of deciding whether to lay off Taxman or Williams might have resulted in an all-white business-ed teaching staff, because Williams was the only black on the staff. (As it was, laying off Taxman left bus-ed without a Jewish teacher, an outcome of no "diversity" concern to Piscataway or Justice.) As Justice now sees the law, diversity may govern all the way down to the smallest employment unit. And given that diversity, unlike past discrimination, is not, as Justice's brief admits, a "backward-looking" justification for a race preference but a "forward-looking" one, Justice is advocating a view of Title VII (and the Constitution) that would mean affirmative action is to be forever—and not temporarily, as its old advocates used to argue—with us.

There's more. In a footnote, Justice observes that diversity doesn't favor one race over another but must be viewed "in the circumstances." "Potentially, the same interest in faculty diversity could tip the balance in favor of a white teacher if the composition of a department would otherwise have included no white teacher." Or, *mutatis mutandis*, in favor of an Hispanic or an Asian or some other teacher. Plain as day, but left unsaid in the brief, is that for Deval Patrick individual rights—whether for whites or blacks or any persons—must yield to diversity as defined by government authorities, whether locally or, as is likely to be the case, in Washington.

As it goes up to the Third Circuit, *Taxman* is not a quota case but one that squarely presents the issue of the right of an individual to be judged by government without regard to race. "Had race not been considered," Justice concedes in its brief, "Williams and Taxman had an equal chance of being laid off." Judge Barry had it exactly right in her opinion: Taxman, like Williams, had "a legitimate entitlement to have the layoff decision made randomly rather than on the basis of race."

The *Taxman* case is bound to get more notice, especially if it goes to the Supreme Court for decision in 1996. That year, California will have on its ballot a proposition that would require the state and its subdivisions to make all decisions entirely *without* regard to race. At some point, Bill Clinton, once a New Democrat, will have to advise the public whether he agrees with his Justice Department in *Taxman*—and whether he seeks an America in which individual rights yield to notions of diversity, and discrimination is the constant result. ❐

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Crime Pays

by Grover G. Norquist

On August 11, the House of Representatives voted 225-210 to defeat a rule that would have brought Bill Clinton's crime bill to the floor for a vote. The Clinton White House and the Democratic leadership were stunned. They had expected to lose some Democrats who could not stomach the ban on nineteen types of rifles, but expected to pick up Republican votes for what was, after all, labeled a "crime" bill.

Speaker Tom Foley could have survived the unexpectedly large loss of fifty-eight Democrat votes, but when minority leader Newt Gingrich held Republican defections to eleven, the rule for consideration of the crime bill lost by fifteen votes. Gingrich was outraged that a crime bill that passed the Senate with a price tag of $22 billion and the House costing $26 billion had come out of conference at $33 billion. When Lamar University foolishly boasted—even before Republicans had seen the conference report—that its close ties to Jack Brooks (D-Tex.) were about to win it a $10 million infusion from federal taxpayers, Republicans had Exhibit A in their campaign to paint the crime bill as a pork-barrel rip-off.

Two days earlier, pollster Frank Luntz had informed House Republicans that opposing the crime bill would not be politically costly. Voters were concerned about crime, but by 57-38 percent they wanted "stronger punishment," not "social programs." Barely 7 percent mentioned gun laws as important to crime control, and 55 percent believed Congress should wait until next year. Only 39 percent wanted a crime bill right away.

Grover G. Norquist is the president of Americans for Tax Reform.

When the media portrayed the rule vote as a personal defeat for Clinton, the White House spun right back that after they'd broken enough fingers to switch eight votes and pass the rule, the headlines would read, "Comeback Kid Wins, Gains Momentum to Win Health Care Reform."

To stop the bill and prevent any renewed Clinton momentum, Gingrich worked with the eleven Republicans who had voted for the initial rule to raise the price of their support. The eleven staked out a position that some of the social welfare spending would have to be removed. Fearful that individual congressmen lacked the backbone to withstand White House pressures and inducements, Republicans put together a rump of some thirty members who agreed to work together to prune back at least $3.5 billion of the social spending and fight for a series of genuine anti-crime amendments.

Negotiations with the White House and the Democratic leadership began on August 16. While the House Democratic leadership reportedly was prepared to strip out the gun control provisions to reclaim the fifty or so anti-gun control Democrats, the White House wanted to keep gun control and fight for Republican defectors, and to reclaim some of the Black Caucus members opposed to the bill's death penalty provisions.

Sixty-five Republicans had voted for the crime bill when it first passed—overwhelmingly—on April 22. Gingrich and other GOP leaders now worried that Clinton would easily regain the eleven and add eight of those initial backers to break the deadlock. On August 21, ten days after the rule was defeated, the negotiating Republicans, led by John Kasich of Ohio and Mike Castle of Delaware, cut a deal and votes were immediately held. The bill passed 235-195, with forty-six Republican defections. A last ditch effort—crafted largely by conservative stalwart Chris Cox—to reject the negotiated $30 billion bill in favor of a pork-free, no gun-control bill failed 195-235, with a disappointing thirty Republicans voting against it.

The battle lost in the House, there was a strong possibility that the legislation could be defeated in the Senate, where sixty votes would be required to overcome objections to the revised bill's new budgetary impact. Minority leader Bob Dole quickly gathered forty-one signatures from senators promising to oppose the bill unless twelve amendments were made. But on August 25, three of the signatories—Danforth, Kassebaum, and Chafee—defected. If they had kept their word to Dole, a single amendment to the Senate bill would have sent it back to the House.

The unexpected victory on August 11 turned into the disappointing defeat of August 25. Recriminations within the House and Senate Republican caucus were loud and bitter. Across the country,

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activists who had responded to calls to fight a pork-laden phony crime bill were outraged to see it pass, largely intact, with Republican votes.

Gingrich nonetheless argues that Republicans won a strategic victory, costing the Clinton administration ten days in an already tight legislative schedule that it needed to spend on health care. Because both parties expect the November 8 election to increase the number of Republicans in the House and Senate—and to strengthen the leverage of conservatives within the Republican ranks—the dream of nationalized health care in America will be dead for another generation. Did Republicans, in fighting to stop an expenditure of $30 billion over five years derail a Hillary-Magaziner juggernaut that would have taken over 15 percent of the $6 trillion American economy?

As it was, the crime bill itself was delayed and discredited. Any bounce Clinton expected to get from final passage of the bill was deflated by growing public disdain for this pork-barrel project. Three days after it passed the Senate, a Harris poll found that 54 percent of Americans believed that "the bill contains too much unnecessary spending on social programs and crime will not be reduced." Sixty-five percent said its gun-control provisions will have "no effect" on crime, and only 31 percent thought the bill will "help" to reduce crime. Clinton's approval numbers fell by four points while he was attacking Republicans for opposing the bill.

Although Republicans won time, weakened health-care reform, and tarnished the crime bill, they also *lost* a critical public policy fight. As the Cato Institute's Steve Moore points out, the crime bill as passed represents the largest cash grant to cities since Nixon-era revenue sharing. Its $30-billion price tag is roughly the size of three CETAs (the Comprehensive Employment and Training Act abolished by Reagan), or ten UDAGs (Urban Development Action Grant programs finally abolished in 1985). The entire bill is an assault on federalism. The promise of 100,000 police is nothing but another massive unfunded mandate: the bill provides only $14,000 for each new cop. The states are required to come up with an additional $28 billion in new taxes and spending to complete the funding. The bill will increase state taxes and property taxes for years to come. And while federal tax monies alone pay for no more than 20,000 policemen, according to Scott Hodge of the Heritage Foundation, the crime bill will fund 40,000 social workers (read: Democratic precinct workers). The bill also creates a $3 billion Local Partnership Act to dispense federal largesse under a formula that rewards local governments for raising taxes.

Rep. Fred Upton learned some lessons from the crime bill fight. As the only Michigan Republican to vote for the crime bill the second time around, he was roundly booed at the state's Republican convention. With "a lump in his throat" and "misty eyed," he described the angry Republicans to the *Detroit News* as a "mob scene."

A second Republican said that, on returning to his district, "I learned how opposed my voters are to this bill I just voted for. If we had gone on recess before the final vote, it would not have passed."

Yet another GOP congressman who voted for the final bill found his office swamped with thousands of protest calls and faxes. He views the fight over the crime bill as a watershed. For one thing, he was "amazed" to learn the depth of anti-government feeling. "People don't believe the federal government can do anything well or honestly. The arguments about pork-barrel spending fell on fertile ground. They were believed immediately."

What's more, voters heard about the bill's essence immediately—and without any spin from the media. Twenty years ago, the *Washington Post*, *New York Times*, and Associated Press would have written that Congress had passed a crime bill, the network news would have repeated the news, and that's all the American people would have known. But nowadays, C-Span reports directly what congressmen are saying, think tanks like Heritage and Cato arm radio talk show hosts with faxes, and they in turn provide a megaphone for the *Washington Times*, *Wall Street Journal* editorial page, and the conservative magazines. President Clinton could not stand up and say there was no pork in the crime bill. Americans already knew better. ❐

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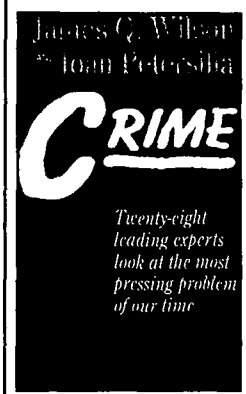

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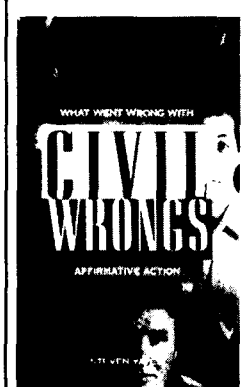

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Presumed Innocence

by James Bowman

Over the reviews of Robert Redford's new film, ***Quiz Show***, headlines in the *New York Times*, the *Wall Street Journal*, and *Newsweek* all made reference to the "age of innocence" (1959) in which the film is set. Whence comes this journalistic commonplace, this idea that the 1950s were a time of "innocence"? What was so innocent about it? Compared to the innocence of the world a decade later, when overgrown children were convinced that life was about cleaving firmly to what feels good and that "love is all you need," 1959 seems an "age" of maturity and sophistication.

But, of course, what the headline writers mean is that it was *their* age of innocence. That is why the film culture, dominated as it is by baby-boomers, is so fond of movies set in the 1950s. It is the Eden of their memory still on celluloid, whether they suppose it was the Kennedy assassination or the Vietnam War or Watergate that finally put an end to it. In fact, it is the people who believe most strongly in the innocence of the 1950s who are most likely to be innocents themselves: nostalgic hippies who never seem to tire of making pictures that use the 1950s to symbolize innocence.

One of these is ***Forrest Gump***. No doubt hoping it would go away, I thought this too slight a piece to write about. But now it has become a box-office smash and various conservatives (led by Pat Buchanan) have tried to claim that it is a kind of immaculate conception: a conservative movie miraculously sprung from the decadent liberalism of the Hollywood culture. I am afraid I cannot agree with them. It is true that a sympathetic portrayal of patriotism, chivalry, decency, and sexual restraint is so rare in the movies that it is tempting to seize on such a portrait as a conservative icon. But that is certainly not what the film-makers intended Forrest Gump to be.

This character is rather what Bill Clinton meant when he said that he grew up loving "the military" because of John Wayne movies. *Forrest Gump* is the sixties generation's retrospective view of those beloved old John Wayne movies. To aging hippies its hero is intellectually vacant but boldly drawn, funny in a vaguely campy way, and a means to provide them with a guilty wallow in the forbidden pleasures of right-wing simplicities. It makes them feel like a kid again. Gump is able to carry those famously innocent 1950s with him into the 1990s because he is a moron.

It is the intellectual ornaments of the condescending left who will always tell you with a rueful shake of the head that if only they could unsophisticate themselves and return to those same attractive but childish simplicities, they would be right-wingers too. Forrest Gump is their fantasy of doing just that. But they are in no danger of supposing—as regrettably the right seems to be doing—that he has anything to do with reality. He is merely a way around Hollywood's problem of how to present goodness in the movies of our hip, cynical, knowing postmodern era. The answer is to make it laughable but lovable at the same time. But the success of the film is a measure of the hunger of audiences to see *any* kind of goodness.

In ***Corrina, Corrina*** by Jessie Nelson, the 1950s are once again meant to stand for that piquant state of guilty innocence when people were racists or sexists or militarists but didn't yet know enough to be ashamed of it. A gentle Jewish widower (the horribly miscast Ray Liotta) hires a black nanny (Whoopi Goldberg) to look after his daughter (Tina Majorino) and eventually falls in love with her. There are the usual problems with prejudice—which could express itself more openly in those days and so is easier to treat dramatically—but surprisingly few of them, as it turns out. The film-makers are really much more interested in nostalgia for the music, the clothes, the TV shows ("Queen for a Day," "Name that Tune," "The Shari Lewis Show"), the fads (Zorro costumes, hula hoops, pogo sticks, drive-in restaurants) and the cars of the period. The difficulties of black and white romance, like other difficulties, fade from view when bathed in the golden glow of nostalgia—which is a good reason to mistrust this sort of self-indulgence.

Blue Sky by Tony Richardson, which was made three years ago but got caught up in the Orion bankruptcy, is a much more classic "age of innocence" flick. It starts out as Madame Bovary Joins the Army, but any interestingly human elements are swiftly jettisoned in favor of politics. Tommy Lee Jones and Jessica Lange are a 1950s couple who, like the radiation-contaminated cowboys Tommy Lee risks his career to save, don't know how sick they are. You will be glad to know that they find it out and, by means of enlightened attitudes about nuclear weapons and the hopeless corruption of the U.S. Army and political establishment, go on to the sunlit uplands of love and personal fulfillment.

It is only a slight jump from such simple psychological certainties to the moral imbecility of Oliver Stone, who has lived most of his life in the shadow of the "age of innocence" myth (*Platoon*, *Born on the Fourth of July*, and *JFK* were all versions of it). His new film, ***Natural Born Killers***, has moved on to the more sophisticated view that there never was any real innocence. Blood guilt is bred in the bone. When the murderer-hero (Woody Harrelson) tells an interviewer that he is "naturally born bad," it is meant to signify that he recognizes what the rest of us are too blind to see. Stone puts the opening

James Bowman, The American Spectator*'s movie critic, is American editor of the* Times Literary Supplement.

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credits over a background of nature shots of animal predators doing their thing in order to suggest that nature is simply a matter of indiscriminate slaughter. But man is the worst of the lot for thinking he is something better. "All God's creatures do it," says Tommy Lee Jones (again) as a manic prison warden: "Look in the forests. We just call it industry, not murder."

In fact, industry in Stone's view is a lot worse than murder, about which he is as blasé as only our latter-day Hollywood fantasists can be. He merely accepts the artistic challenge of turning on the stream of gore without allowing it to become boring and monotonous. This he does by inserting some wild camera-work, cartoon segments that look like druggie flashbacks or even—in the case of a real flashback to the childhood of Harrelson's beanpole girlfriend, Mallory (Juliette Lewis)—a TV sitcom, complete with theme music for "I Love Mallory" and laugh track. He means to resurrect the old hippie chestnut that "violence is as American as apple pie" by presenting us with an age-of-innocence sitcom family that is nothing but a mask for spousal and sexual abuse.

But Stone's real moral outrage is reserved for tabloid television. The mass murderers, in his view, are entitled to look down with moral contempt on Robert Downey, Jr.'s sleazy reporter, whom they describe as "not even a person but a media person." Nature may be red in tooth and claw, but only man is vile enough to titillate his fellows' prurient curiosity in order to get a bump in the ratings. Well, we've always known that Oliver inhabits a curious moral universe.

I wonder if the same may be said for the makers of ***Quiz Show*** which, *faute de mieux*, I am forced to proclaim Movie of the Month. It certainly contains some splendid acting from Ralph Fiennes, John Turturro, Paul Scofield, and Rob Morrow, among others, and is never less than absorbing. But I kept asking myself: Why was this film made? How important was it that a television quiz show back in 1959 was shown to have been rigged? There is an inescapable artificiality to the film's sense of moral purpose.

For one thing, the movie is rigged too. The events it recounts took place over three years, not one; Richard Goodwin was not the investigator who uncovered the scandal and never met Charles Van Doren until well after he had ceased to be a contestant on "Twenty-One." For another thing, there is a repellent tone of condescension for those poor, 1950s-era innocents in their funny clothes and hats who were schmucks enough to believe that what they saw on TV was what it appeared to be. It's the Age of Innocence again—so long as you forget that Jim and Tammy Bakker were a phenomenon of the 1980s.

Most importantly, there are the undertones of class. Redford half-intends for us to share in the class envy of Turturro's Herb Stempel for the golden boy, Charles Van Doren (Mr. Fiennes). But this is artistically confusing. Are we meant to be outraged at the deception itself or at the fact that it was practiced by a scion of privilege? If Van Doren's fault is meant to be seen as worse because, as he himself says, "everything came too easily" to him, is not the quiz show scandal almost an irrelevancy in view of the more serious moral problem of class division? These are questions that the movie cannot resolve and that linger in the mind to its detriment.

Nevertheless, there is an unexpected subtlety about the portrayal of the relationship between Richard Goodwin (Mr. Morrow) and Charles Van Doren. Redford himself, like his hero, is ultimately seduced by the charm and attractiveness of the Van Dorens' world of good manners, genteel amusements, and intellectual accomplishments. The closeness of the relationship between Mark Van Doren (Mr. Scofield) and his son, and his loyalty to him in his trouble are touchingly portrayed. All of these things prevent the film from being quite soured by the issue of class. Goodwin is allowed a tart reply when his wife (Mira Sorvino) accuses him of being "the Uncle Tom of the Jews" for "bending over backward" not to expose Van Doren. "I'm glad it's so easy for you to destroy a man's life," he says. "I'll have to keep that in mind."

It is only at the end that Redford allows the film to adopt as its own a class consciousness like that of Mrs. Goodwin or Stempel. Van Doren's self-inculpation before a congressional committee, in which he cites his own privileged background, has a Maoist look to it. And the impulse of his inquisitors to compliment him on his frankness is cut short by a congressman's disgusted insistence that he doesn't see why "a man of your intelligence should be commended merely for telling the truth." The galleries erupt in applause as Van Doren exits the stage with bowed head to the news that he has been fired from his job as NBC "Special Cultural Correspondent" and even from his teaching post at Columbia. We are meant to feel, as the gallery does, a little thrill that this upper class toff has been brought low. It is an ugly moment from which Redford does not dissociate himself.

Instead, he is pursuing the chimera of the age of innocence. When one of Goodwin's colleagues congratulates him on "getting" Van Doren, he says wearily: "I thought we were going to 'get' television. The truth is that television is going to 'get' us." What does this mean? It seems to take us back to the opening scene in a car-dealer's showroom where Goodwin sits admiringly behind the wheel of a luxurious 1958 Chrysler 300 convertible and says: "It used to be the man who drove the car; now the car drives the man." This sense that somehow wealth and gadgetry have corrupted a primal American innocence still seems not very convincing, but at least we may be pleasantly surprised that it does not interfere too much with the moving human story of the loss of Charles Van Doren's innocence. ❐

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CAPONE: THE MAN AND THE ERA

Laurence Bergreen

Simon & Schuster / 701 pages / $30

reviewed by DAVE SHIFLETT

Most Americans will agree that our contemporary gangsters are a shabby lot—a herd of sociopathic, murderous, illiterate adolescents who can't put their ballcaps on straight or keep the crotches of their pants from hanging about their knees. Their use of 9mm pistols lends them a serious air, though most spend far too little time at the shooting range, a shortcoming apparent during a favorite activity: the mobile gun battle, in which the gangsters chase each other through the streets in Jeeps and BMWs, firing wildly as they go, knocking out untold windows, killing cats and dogs, and, occasionally, maiming innocent people as they sit in easy chairs positioned perilously close to windows.

Worse yet, these malevolent punks sometimes shoot perfect strangers from ambush to prove their pluck and frequently rob productive citizens, sometimes murdering them in the bargain. When caught, they glower at their victims' survivors and blame society for their crimes. All in all, it's enough to make you wish for a better class of criminals—ones who might model themselves after Al Capone, whose tale is freshly told by Laurence Bergreen, an accomplished biographer whose previous subject was Irving Berlin.

The Capone family came to America from Naples in 1894 and set up camp in Brooklyn, where pa worked as a barber while ma produced and raised children, including Alphonse, born in January 1899. The family started out in an apartment with no furniture in a neighborhood ideally positioned to catch the full stench of the Gowanus Canal, which was regularly bobbing with corpses, often fairly ripe ones.

Other hazards popped up from time to time, including the antics of the Black Hand, a group of Italian extortionists who terrorized residents by kidnapping and murdering neighborhood children. Schools were places to fight, and the Irish kids performed sidewalk tooth removal with great glee. Young Alphonse adapted fairly well, and at an early age began showing the personal dynamism for which he would become famous. One day, while scuffling around outside the Brooklyn docks, he ridiculed a clumsy guard: "Hey, you long-legged number three there! Get in step! You're holding 'em up!" The guard threatened to do violence to his tormentor, and was in turn threatened by his supervisor with being put on report. Capone would have none of it: "Don't do any reporting. Just let the big sonofabitch outside the gate. I'll take care of him." He was ten years old at the time.

Capone stayed in school until the age of 14 (having barely slipped into seventh grade), departing after a fight with a teacher and a subsequent beating by the principal. His departure was not an unreasonable step, for there was little to be gained from attending a New York public school even then, according to Bergreen, who tells us that a general anti-Italian prejudice all but insured failure. According to a popular theory of the day, Southern Italians had no mind for mathematics or any mechanical aptitude; another critic wrote that "their emotional instability stands out in sharpest contrast to the self-control of the Hebrew and the stolidity of the Slav." Easily exploited by members of their own group (called "padrones"), some two-thirds of Italians lived in a state of "semislavery," according to the *Bulletin of the Department of Labor.*

Capone had other ideas and hitched up with local gangster Frankie Yale, starting out as a waiter and dishwasher at Yale's Harvard Inn, where a knife-wielding patron provided him with the facial scars that are nearly as famous as the Mona Lisa's smile. During those early years he also developed a head for numbers, got married, and probably contracted the syphilis that would lame him a few decades hence. In 1919 he killed his first man during a dice-related incident, and two years later headed for Chicago, where he became a multi-millionaire, thanks to the collision between America's taste for beer and the Volstead Act.

It is clear early on that our author is strongly sympathetic to his subject: Even before we see Capone shed any blood, we are told that he's really not to blame. Besides the ill-effects of prejudice and a rough childhood, there was his disease, which Bergreen insists played an increasing role in shaping his subject's personality. If "Capone's syphilis had healed itself," he writes, "as most cases did, it is unlikely he would have devel-

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oped into the high-profile, feared gangster he became." Take that for what you will: our author ascribes nearly every foul mood either to syphilis or to Capone's other demon: cocaine. Bergreen infers that Al was addicted to the drug from a medical report mentioning Capone's burned-through septum, and in the spirit of biographers who rush to judgment on the basis of facts not fully established, he offers us these choice passages:

> Every time he snorted cocaine, he experienced its distinctive, exhilarating rush of self-confidence approaching omnipotence, and the manic restlessness it induced. What better time to dream of controlling not just Cicero but the rackets of the entire city of Chicago? And why stop at Chicago? Why not the entire country?

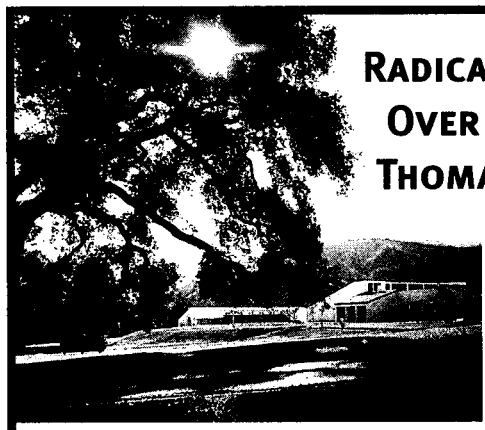
> His cocaine addiction made the thought of imminent death easy to accept: under the influence of the drug it seemed as if *la mala vita* amounted to a glorious suicide mission.

A reviewer finds himself writing "How does he know?" in the margins fairly regularly, but Bergreen's book is too full of life to be too damaged by these excesses. Bergreen is particularly good on the subject of Chicago's vibrant and almost gleefully corrupt political life. Consider the antics of Big Bill Thompson, a Chicago politician and Capone ally. "Scandal pursued him wherever he went," Bergreen writes.

> During one campaign, he was forced to admit he had frequented Chicago brothels. Sexual hypocrisy came naturally to him: he married a proper dowager, who lent him an aura of Victorian respectability even as he kept an attractive Jewish mistress. He ate and drank with abandon. Flamboyance was his trademark. During the Dever administration, for instance, Thompson built himself a $25,000 yacht, christened her the Big Bill, arranged a figurehead depicting none other than the ship's owner, and, to the vast amusement of the press, declared his intention to lead an expedition to capture a certain fish reputed to climb trees.

In a later day, this man could have ruled all of Arkansas. But Thompson, who became mayor of Chicago, was no match for Capone, who not only oversaw a criminal empire that made scores of millions a year in the 1920s, but became something of a philanthropist and social philosopher. At a press conference, Capone explained the reasons behind his success: "They call Al Capone a bootlegger. Yes, it's bootleg while it's on the trucks, but when your host at the club, in the locker rooms or on the Gold Coast hands it to you on a silver salver, it's hospitality. All I've ever done is supply a public demand. You can't cure a thirst by law." As he said more than once: "Public service is my motto."

As for murder, there was plenty of it in his line of work, but the killers trained their fire on rivals or former allies gone sour. None of this random killing stuff. Capone, at least in Bergreen's telling, didn't even like violence, believing for the most part that gun play was bad for business (though he would approve the St. Valentine's Day Massacre, a kind of gangland-style hostile takeover). →



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The impression Bergreen hopes to leave us with is that of a cherub in the rough. During his glory years Capone was 5'7" and fairly fat, and had a brother who was a bodyguard for Calvin Coolidge. He financed soup kitchens and threw money from his limo to the omnipresent poor. He was also a friend of the working class, as illustrated by this restroom encounter, as later recalled by an acquaintance:

> While he stood at the urinal he kept strewing twenty-dollar bills on the floor. The attendant, picking them up, kept saying, "Yes, suh, Mr. Capone, you are the greatest man in the world." After Capone washed his hands and departed, the attendant confided, "Mr. Richman, I pray to God he come in here and pee every twenty minutes."

In his zeal to rehabilitate Capone, Bergreen is rough on Capone's tormentors. Society, we are told many times, was full of hypocrisy, whether in its pursuit of teetotalism or other attempts at purification. The author sneers at a popular anti-vice tract that included a map locating Chicago's whorehouses: "With a copy of *If Christ Came to Chicago!* in hand, a tourist could find his way to a brothel and later return to the book to understand how terrible the experience had been." Bergreen takes even more delight in telling us that Eliot Ness, who wrongly held himself up as the man who whipped Capone, was a self-promoting drunk who dropped dead, aged 54, after pouring himself a scotch and soda.

He does convince us, however, that Capone had a lot more class than the disciples of Snoop Doggy Dogg will ever muster, along with high principles. Like most good Republicans (Capone was a strong supporter of the local party), he was not happy with the notion of income taxes. No mere theorist on the matter, Capone long refused to pay them, for which he was sentenced at age 33 to eleven years in prison. He eventually was shipped to a new prison called Alcatraz, where he became known as the "Wop with the Mop" and all but disintegrated as his syphilis moved in for the kill.

Even during his prison years, however, he maintained high standards, subscribing to eighty-seven periodicals, including *Harper's Monthly* and the *American Mercury*, which ran a story entitled "America's Torture Chamber" about Alcatraz. Capone did not leave intact. Bergreen includes a report on Capone's medical state at age 39, as noted by a prison official: "He still has disturbances of consciousness at times as his mind wanders and he hears God and the Angels verbally reply to prayers etc." By the time of his release, Capone was given to drooling and extended flights of fancy. H.L. Mencken, who met Capone while the latter was being treated at Johns Hopkins, noted that Capone's altruistic bent was still in working order: "He believes that he is the owner of a factory somewhere in Florida employing 25,000 men and he predicts freely he'll soon be employing 75,000."

Death came at his Florida estate on January 25, 1947. Since that time, Capone has been thought of as a monomaniacal monster, an image that Bergreen succeeds in softening. He also indicates that if crime was in Capone's genes, his particular talents were not passed on. In August 1965, Capone's only child, Sonny, was arrested for shoplifting $3.50 worth of merchandise in the Kwik Chek supermarket in North Miami Beach. He later changed his name, which is where the Capone story ends. ❐

THE BETRAYED PROFESSION: LAWYERING AT THE END OF THE TWENTIETH CENTURY

Sol Linowitz, with Martin Mayer

Charles Scribner's Sons / 273 pages / $25

reviewed by JEROME M. MARCUS

My copy of the most recent *American Bar Association Journal* has arrived. Harry Blackmun, just retired from the Supreme Court after twenty years spent defending his baby—*Roe* v. *Wade*—and its progeny, graces the *Journal*'s cover. Blackmun is beloved of the ABA for his willingness to use constitutional litigation to advance the country "down the road toward the full emancipation of women" (as he explained the goal of his opinion in *Roe*)—and toward improving conditions for the "little people," as Justice Blackmun's law clerks say he describes the objects of his solicitude.

Among young lawyers this view of law practice is predominant. Ask the nation's law students why they're on their way to the bar, and most will reveal that they are driven by the image of Thurgood Marshall arguing for the plaintiffs in *Brown* v. *Board of Education*, or some such simulacrum of crusading. They see the law as a tool for social change—and real power. Our totally fulfilled first couple are the embodiment of this ideal.

It was not always thus, as Sol Linowitz reminds us. Until at least the end of the Second World War, a lawyer represented clients rather than causes. His goal was to keep the client out of trouble and to help the client accomplish what he wanted so long as it was legal. The lawyer sought not to move the law but to move the client *through* the law as smoothly as possible.

Personal bonds tied lawyer and client together more or less permanently. Individual clients stayed with the same lawyer, corporate clients stayed with the same firm, and the young lawyers hired to work in a firm became partners there. The most accomplished took a leave to go into state or city government, or to Washington, but they came back when they were through and they retired from the firm where they had begun. Many were comfortably upper middle class; only a lucky few at the top of the totem pole became genuinely rich.

Linowitz was one of the lucky few. He nursed a very small client (the Haloid Corporation) into a very large one

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(Xerox). He achieved that success within one of those old-time lawyer-client relationships, between himself and his client's chairman. Now he's written this book out of a combination of sadness and anger that such relationships don't exist anymore, and that the practice of law has been poisoned as a result.

The Betrayed Profession is far from a systematic work. Much of its evidence that something is wrong is anecdotal. The bottom line of all the anecdotes is that there is now far too much attention paid to the bottom line. Lawyers have become too greedy, Linowitz says. By billing too much, trying too hard to market themselves, cutting too close to the law's edge to please a client, filing class actions on behalf of clients they barely know, and—more generally—representing clients in a single deal or suit instead of for a lifetime, lawyers have cheapened their profession so they can make more money at it.

Linowitz would replace this world with another, which sounds like a very nice place. It is, in essence, the world of the guild, a place where lawyers don't compete with one another both because they have their minds on finer things than money and because they have strong personal ties to their clients. It is a world in which lawyers focus on their clients' needs, rather than on an abstract cause, and in which lawyers regulate themselves rigorously out of shared concern for the public's respect for the profession.

It is a world that will never be here again.

Linowitz never asks why the world has changed so much. If he did, I think he would be even sadder than he is. In part, the problem is that longstanding relationships between *any* service provider and a client are increasingly rare: in fact, longstanding relationships between anybody and anybody else are uncommon these days. People don't even keep wives as long as they used to. They don't keep to the same employer, the same house, the same city, or to the same (or any) church. How could they possibly keep the same lawyer?

If people are moving around so much more, how can an institutional client remain with the same law firm? Without committed clients how can a law firm commit to make partners out of its associates? And if the associates have no commitment from their firm, how can they practice as if they lived in the guild-ordered world in which Linowitz matured? Without a commitment from their clients and partners that they can be assured of a lifetime's work, it's not surprising that people try to make money for themselves.

But greed is not the real villain in the story Linowitz is trying to tell. The law itself has changed; what courts do is dramatically more important than it was when Linowitz was a young man. Litigators can remake the world; legislators can do even more.

Use of law as a "tool for social change" is now seen as a good thing. For some reason, well-intentioned people like our first family can advocate the law's use for this purpose without seeing that the point of this nice-sounding phrase is to use "law"—the thing you must obey or be put in jail—to change people's views of their culture, whom they associate with, what they believe about one another. The gender discrimination laws now officially make it illegal to act or speak on the basis of outmoded (that is, traditional) conceptions of men's and women's roles. In a world where law can climb into people's heads in this way, who can expect aspiring attorneys to be satisfied helping other people make a will or run a company? Why move an individual through a transaction cheaply when you can be a Rousseauian Legislator, remaking the world every time you file a new case or introduce a new bill?

Because this is what's really wrong with the profession, the remedies Linowitz offers would only make things worse. He wants every lawyer to be forced to do pro bono work or give money to other lawyers who do. He acknowledges a risk that such work can be driven by the "social agenda . . . created by poverty lawyers" rather than focusing "on the rights and remedies of individuals," but he views this as a minor problem.

In fact it is a symptom of the biggest change in law in his lifetime: the increase in lawyers' power. Tocqueville said that in America every problem is eventually a legal problem. But now every legal problem is also a political issue; political issues are worked out in the courts; and the unelected lawyers who do that work hold political power. And they're well paid to boot. It's no wonder that people are angry at them. ❐

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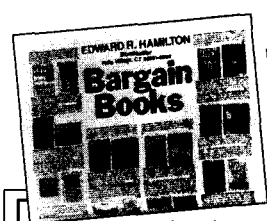

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IN DEFENSE OF ELITISM

William A. Henry III

Doubleday / 212 pages / $20

reviewed by DIANA WEST

It's impossible not to mourn the passing of a man who could write the following sentence: "The unvarnished truth is this: You could eliminate every woman writer, painter, and composer from the caveman era to the present moment and not significantly deform the course of Western culture." So writes William A. Henry III in his brave, posthumous book, *In Defense of Elitism,* a densely packed, frequently brilliant, occasionally chaotic work that challenges the prevailing orthodoxies of -isms and rights groups.

Henry, the Pulitzer Prize–winner and *Time* magazine culture critic who died last summer at 44, mentions having shared this gem with "several dozen male and female acquaintances who are learned and cultured, in most cases as a vocation, and they have all agreed with me, although each and every one asked not to be quoted." A recurring theme in Henry's book, in fact, is the chorus of silence with which his peers affirm his clear-eyed arguments. Even the book's inscription, to "the friends who egged me on," must stipulate "especially the handful willing to say so in public." This is not a point Henry dwells on. But time and again, he mentions requests for anonymity from people who agree with him, colleagues and contacts who refuse to let their names stand alongside his. The silence of Henry's circle, among whom, undoubtedly, number many best-and-brightest types, is a reminder not only of the intellectual repression of our day but also of the aptness of the word "brave" to describe a book such as this one.

According to Henry, "elitist" is now as damning a pejorative as "racist." Society has degraded the elitist concepts of individual responsibility, merit, achievement, and learning itself. Since World War II, competition between the intellectual forces of elitism and egalitarianism has become disastrously one-sided—and "egalitarianism has been winning far too thoroughly. . . . We have taken the legal notion that all men are created equal to its illogical extreme, seeking not just equality of justice in the courts but equality of outcomes in almost every field of endeavor."

Henry makes a quirky champion, given his meticulously listed credentials. "I am not a right-winger," he writes, "and I hope I am not a nut." As proof he offers the facts that he is "still" a Democrat and an ACLU member, and has received awards for his civil rights writing from assorted victimish groups (he lists them all). He also relates that he "hurriedly crossed the room" to avoid being introduced to Pat Buchanan, adding in the next breath that his wife and he "have donated copiously to the electoral opponents of Jesse Helms."

Henry doth protest too much. A few glimmers of old-fashioned liberalism-from-on-high do come shining through in the author's mouth-puckering distaste for anything even remotely populist, be it the "self-celebration of the masses via . . . camcorders" or state government. On taxes, Henry writes that "Democrats have an effective elitist message to offer in raising taxes—to wit, noblesse oblige." (Now, *there's* an idea . . .) But these are throwaway lines, unsupported by the solid intellectual framework of his book, which stands squarely on the works of such conservative thinkers as the frequently cited Charles Murray, Thomas Sowell, Walter Williams, and Gertrude Himmelfarb.

Unencumbered by the stultifying rhetoric of sensitivity, Henry simply writes what he thinks. On multiculturalism: "The troublesome aspect of multiculturalism is not the opening of 'our Anglo-Saxon heritage and values' to the recognition of other achievements. It is the systematic validation of black failure and Hispanic racial isolation, accompanied by a rationale that forbids polite society from labeling those things what they are." On romanticizing Indians (whom, when the mood strikes, he calls Siberian-Americans), Henry warns: "Admire the Indians if they embody values you cherish. But don't reinvent their culture, or anyone else's, to suit your need for emotional black and white."

Just as quotas are meant to guide minorities to equality in the present, Henry says, "multicultural theory is meant to give them a sense of equality about their past." The problem is that some cultures have more to offer than others. Past grievances, past conflicts, are no rationale for the fictionalization of history and the unending redress of such present-day programs as affirmative action. (It must be said that although Henry excoriates affirmative action, he also falls back on his liberalism to blame "cynical white male managers" for its failures.)

In perhaps the boldest passage of the book, Henry allows for "the possibility of difference" among the races:

> Perhaps it would mean that, in a society sans affirmative action, somewhat fewer blacks than whites would go to college, fewer would become lawyers or doc-

Diana West is a writer living in Washington, D.C.

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tors, fewer would run large corporations. Would it matter? Arguably not, as long as everyone who is qualified has a chance and more than a few minority candidates actually continue to make it. America's doors will never again be closed to blacks. Perhaps it's time to stop thinking of blacks—and having them think of themselves—as a category. Let them rise or fall as individuals. That would be, in the moral and metaphysical sense, an affirmative action. The measure of a just society is not whether a demographically proportional share of any group succeeds, but whether any individual of talent can succeed regardless of what group he belongs to.

Henry's special peeve is the $150 billion a year taxpayers spend on higher education. "Despite the seeming elitism of fostering self-improvement and learning," he writes, "the true effects have been to help break down the distinctions between the accomplished and the workaday, and to promote pseudo-scholarship based on gender anxiety and ethnic tribalism." His modest proposal? Reduce—through removal of federal subsidies—the percentage of high school graduates who go on to college from nearly 60 percent to 33. (Britain, France, and Japan typically send only 10-15 percent of their young people to college.)

His take on feminism prompts him to ask questions about a working mother demanding job flexibility for child-rearing:

> Why, pray, *should* an employee with divided loyalties be treated the same as one who will give his or her all to the job? And on the philosophical plane, how can the very people most apt to say that childbearing is a private matter when the subject is abortion then reverse themselves and insist that it is a societal matter when the subject is their personal need and convenience in the workplace?

Bravo. In the great debates of our day, there are those who look askance at liberals-come-lately. But not only is the work of such figures worthy on its face, it is also to be prized precisely because of its source. William Henry's name may now be mud among the left's true believers, but think of all those friends he left behind, sitting on the fence. ❐

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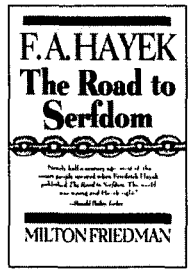

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THIEVES' WORLD: THE THREAT OF THE NEW GLOBAL NETWORK OF ORGANIZED CRIME

Claire Sterling

Simon and Schuster / 304 pages / $23

reviewed by DAVID BROOKS

In 1991, Soviet Prime Minister Valentin Pavlov charged that Western banks and intelligence agencies were engaged in a treacherous global conspiracy to destroy the Soviet Union by undermining the ruble. These rantings were greeted with general hilarity by Western diplomats, academic experts, and those of us in the Western press corps. We took them as a sign that the Soviet Union had finally gone gaga.

Now comes the Italy-based investigative journalist Claire Sterling to say that Mr. Pavlov may have been right. Sterling brings a lot of prestige to this argument. During the Cold War, she did invaluable work on the KGB, world terrorism, and the Mafia. The heart of *Thieves' World* is a recounting of this strange episode in the death of the Soviet Union.

Sterling presents a series of documents in which Western businessmen offer to buy huge quantities of rubles in exchange for dollars. In 1990, five men were arrested in Geneva trying to broker a swap of 70 billion rubles for $4.6 billion. A British businessman named Paul Pearson was arrested at Moscow's Sheremetyevo Airport on January 23, 1991, with a contract signed by the government of the Russian Republic for a swap of 140 billion rubles for $7.8 billion. One hundred and forty billion rubles was equal to all of the cash in the Soviet Union at the time. The owner of a condom factory in New York with six employees signed a letter of intent with the republic's prime minister Ivan Silaev to buy 300 billion rubles for $50 billion. An organization called New Republic Financial Group, with declared capital of $17,000, offered to buy 140 billion rubles for $5 billion. If these offers were genuine, the Soviet premier was right to be alarmed.

The first question is why anybody in his right mind would want to own rubles, which were then in free fall. Sterling quotes Russian investigators, who noted that the unidentified "buyer company" behind one Western businessman "could use its ruble account to make massive purchases of raw materials, recyclable products, and fixed assets—the whole national wealth—at extremely low prices." Sterling notes that it was roughly during this period that Soviet gold reserves, estimated at 2-3,000 tons, disappeared.

The second question is how these dubious and seemingly small-time Western businessmen could get their hands on such quantities of dollars, or even credibly argue that they could. Sterling implies that these were narcodollars, traded for rubles, which were used to buy raw materials, which in turn were sold for hard currency on world markets.

This is certainly a plausible version of events. In the first place, it is impossible to underestimate the scale of corruption in the former Soviet Union. Billions of dollars do indeed flow to Russia in exchange for raw materials. Whenever Russian or Lithuanian customs authorities launch one of their periodic crackdowns—during which time they actually police their borders—they seize huge quantities of metals, lumber, military hardware, and such.

On the other hand, there are crucial links in the story for which evidence is lacking. The Soviet Union in its final days was filled with shady Western businessmen who talked big but could deliver nothing. Sterling's documents show only that deals were struck, not that they were actually carried out, which is the exception in that part of the world. Furthermore, there is no evidence that any Western government participated in the offers, let alone knew of them; Sterling merely argues that the intelligence agencies must have been aware of what was going on. And why would a Russian factory manager possessing, say, aluminum sell his stock for rubles, when so many other businessmen were offering dollars or marks?

In the end, Sterling's account must be taken as informed speculation.

The ruble scam is the heart of this book, but Sterling does not begin to discuss it until page 167, two-thirds of the way in. The preceding text is a meandering and overwrought narrative that spans the globe, from Russia to Italy, Belgium, Uzbekistan, Philadelphia. EC politics are described. The P2 scandal is summarized. Trade policies are discussed. One has the impression that for much of the book, Sterling merely collected clippings and wrote to fit them in. (Indeed, many of the sources refer to Italian newspapers.)

The upshot is that the Mafia, the KGB, the Triads, the Colombian drug cartels, and other criminal organizations have formed a world criminal alliance, something between a rogue's U.N. and what Sterling calls "secret criminal brotherhoods in planetary communion." The leaders of this criminal conspiracy

David Brooks, a former editor at the Wall Street Journal Europe, *is features editor of the* Wall Street Journal.

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are said to gather at conferences to coordinate activities, allocate turf, and cooperate on global money-laundering schemes.

Certainly the collapse of the Soviet Union has led to an upsurge of Russian mafia activity; it's the "global communion" part that strains credibility. My own suspicion is that a "criminal U.N.," far from being an efficient and ruthless organization, would end up as shambolic as the real U.N.—you gather to traffic in heroin; you end up shooting each other over where to have lunch.

Sterling's prose does much to reinforce one's skepticism. Europe doesn't merely import cocaine, it is "drowning" in it. Crime is not just a problem in Germany, but "an obsessive German concern." Or, as Sterling writes, "in effect, Western Europe lay like a vast open city under murderous criminal bombardment." Please.

Sterling did conduct her share of interviews. But she tended to meet with the men and women with the big offices—heads of departments and police chiefs, rather than with cops and detectives on the street. Sterling's taste runs toward chief investigators issuing declarations on the awesome size of the crime problem, and buttressing these claims with impressive and ultimately meaningless statistics—how many thousands of criminal organizations exist in Russia, how many hundreds of billions of dollars were earned in heroin sales worldwide. One of the iron rules of journalism seems to be that it is better to have an important person weigh in with a dull quote than to have an unknown person contribute something interesting.

An underlying theme of *Thieves' World* is that crime rides on the coattails of freedom. It was the collapse of Communism in Russia that led to the KGB's transformation into a criminal mafia. It is the loosening of capital controls around the world that paves the way for massive money laundering. It was the lowering of trade barriers in Europe that made drug distribution much easier. At times Sterling seems like someone who is afraid of too much freedom, who thinks that it is but a short step from a society that lacks central control to one given over to thug-dominated anarchy. ❐

THE CIVILIZATION OF EUROPE IN THE RENAISSANCE

John Hale

Atheneum / 648 pages / $35

reviewed by FRANCIS X. ROCCA

If I say "the Renaissance," you may think of Michelangelo's Sistine Chapel ceiling or Leonardo da Vinci's Vitruvian Man or a Raphael Madonna, but in any case you will think of Italy. The term derives from *rinascità*, used by Giorgio Vasari in 1550, and was established as the name of the historical period in Jacob Burckhardt's *The Civilization of the Renaissance in Italy* (1860). In the years since, we have come to speak of the Renaissance as an international movement, yet to most of us, "the revival of Classical culture" does not adequately express the zeitgeist of Elizabethan England or Martin Luther's Germany. Sir John Hale, Fellow of the British Academy and Emeritus Professor of Italian History at University College, London, has capped a distinguished career—he suffered a severe stroke a month after finishing the manuscript—with this sequel to Burckhardt, in which he means to define and explain the Renaissance as a pan-European phenomenon.

The diffusion of Italian culture during the period 1450-1620 (e.g., "the Renaissance in Spain"), and the localized outbreaks of creativity at the same time ("the Spanish Renaissance") were distinct but related events. Italian ideas and accomplishments in art, architecture, literature, politics, and other fields were mimicked and absorbed from Hungary to Sweden. Yet the contributions posterity has come to treasure most were deeply rooted in the native soil of particular countries. Ronsard and his fellow Pléiade poets affirmed and expanded the potential of the French vernacular. Cranach and Grünewald, whose earthy paintings offended against Italian decorum; and Dürer, whose engravings and paintings unnerved Vasari with their psychological intensity, constitute the glory of the German Renaissance. Hale's definition of the Renaissance is generous enough to include Portugal's eccentric, extravagant Manueline architecture of the early 1500s, a stew of late-Gothic and Islamic ingredients that owed little to Italy and whose "export elsewhere was out of the question."

"Nation," like "Europe," was a concept that emerged in the sixteenth century. The interconnections among nations, and among the various categories of human experience that historians investigate, are the fibers that hold Hale's story together. This intricate network is so well constructed that its contents neither collapse into muddled generalization nor disintegrate into a grab bag of diverting facts and anecdotes. The supreme beauty of a book brimming with piquant and poignant details (and some 200 illustrations) is its organization, both impressively original and seemingly quite natural, into three parts and ten chapters with abstract titles such as "Traffic" and "Civility." There is nothing obtrusively theoretical here; Hale's lessons have the transparency that is the mark of a true teacher. Yet his perspective reveals unsuspected and sometimes startling contiguities that enrich our view of the entire field.

"The Taming of Nature" treats the history of science, but also includes landscape painting and pastoral literature. Under the rubric "The Control of Man" appear both the Inquisition and the cult of manners. None of this seems contrived, and only very occasionally do the transitions feel a bit jerky, as when the great patroness of the arts Isabella d'Este

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serves as a topical bridge between the art market and the economic status of women.

Hale's style is marked by restraint. When he does occasionally make his opinions pointedly clear, the effect is arresting, particularly when the opinion defies our expectations or the current wisdom. More than four pages on prostitution, largely from the prostitute's point of view, is a tribute to the influence of women's history; twenty years ago such a book would have told this story very differently, if at all. Yet the conclusion is likely to make most feminists uneasy: After the Reformation, Protestant countries tried to abolish sex for pay, with the consequence that for the purveyors, unless they found rich protectors, life became more harassed and degrading; for those who sought it, extramarital sex became more furtive and animalistic and less companionable, less holiday-like, no longer a more-or-less taken for granted rite of passage from adolescence to manhood.

Whether 500 years ago or today, a distinguished humanist is not necessarily distinguished for his humanity. But this is one of Hale's outstanding qualities. His narrative is alive with credible, sympathetic people of all kinds and conditions: a nine-year-old girl and her guardian molester, banished and hanged respectively by the authorities of their French town; a German carpenter playing Emily Post as he exhorts his peers not to make pigs of themselves at the table; merchants and their wives bearing themselves with varying degrees of pride in portraits by van Eyck, Massys, and Dürer. It is Hale's alertness to the position and fate of the individual—whose development Burckhardt identified as a crucial achievement of the period—that immunizes him to the appeal of Utopias, even that of the thinker who coined the word, St. Thomas More; these schemes were marked by "a heartless prying into private lives" and a "ruthless planning zeal" that entailed eugenics, euthanasia, and thought control.

The voices of those neither famous nor powerful give depth to the story, but they do not predominate—only natural, since their traces survive in minuscule amounts compared to the writings by and about the era's great personalities. Machiavelli and Montaigne are frequently quoted, and yet they never get the spotlight; whereas the political philosopher Justus Lipsius, "one of the most influential if not one of the most profound minds of the Renaissance," rates six pages for his role in the revival of Stoicism. Hale presumes a familiarity with the brightest luminaries (a presumption that will send many readers, shamefaced, to the encyclopedia). Moreover, although he declares it his intention "to provide a guidebook for time-travellers," this book is more like a map, accurately and significantly detailed, than a Baedeker, with blurbs on the main attractions. Shakespeare, whom the Englishman Hale invokes on virtually every subject, gets more than two pages to himself, but that is as the embodiment of Elizabethan drama, which Hale considers the apogee of the English Renaissance. (Curiously, Shakespeare is the occasion of two errors in a work where errors are scarce.)

No doubt *The Civilization of Europe in the Renaissance* will become a staple of college intro courses, where it will fill a long conspicuous gap. That it was recently a Main Selection of the Book of the Month Club is even better news: the popular appetite for history is perennial, but the diet has always been variable. ❐

CORRESPONDENCE

(continued from page 12)

tions placed on landlords corrupt what would otherwise be a normal business relationship between lessor and lessee. The result is the same negative effects, to a lesser extent, that we see in the site-specific subsidy program.

Mr. Bovard provides some anecdotal examples of these problems and uses them to take issue with the third and most important aspect of a voucher system: a real and more natural integration of the haves and the have-nots. He takes a weak one-sentence attempt at explaining why this is inherently illogical by writing, "Trouble-making public housing residents will not be transformed into angels simply by moving them into different neighborhoods."

An accurate statement. It ignores, however, the pathology of why they are trouble-makers to begin with. After generations of dependence on ill-conceived welfare and public housing programs, there are few positive influences left in the systematically segregated environment in which they grow up. While our new voucher toting neighbors won't be transformed overnight, they will gain exposure to uplifting spiritual, social, and economic forces in their new surroundings. It is this exposure which provides the values and opportunities that we as conservatives constantly espouse.

A secondary efficiency is also produced as mainstream Americans become de facto social workers and further reduce the need for budget bloating welfare industrialists. Embracing and promoting this synergy of social healing and governmental efficiency could in fact give new life to that noble cause we once called "A Thousand Points of Light." On the other hand, if we follow Bovard's thinking on this important point, we condemn our would-be neighbors to the culture of myth, ignorance, and crime that pervades the projects; leaving a festering excuse for continued spending on the federal dependence industry.

The Reagan-Bush era left many positive legacies in its wake. (Ask any plaintiff's lawyer.) Housing vouchers may be one legacy that is yet to come into full bloom. Mr. Bovard's informative essay should serve as a wake up call to save this innovative opportunity for budgetary discipline, not to rip out one of Ronald Reagan's most progressive alterations to the social safety net.

—Dale Booth
Tyler, Texas

I should have got blood-pressure clearance before I subscribed. It went through the roof when I read James Bovard's story about Henry Cisneros and Roberta Achtenberg in the first issue I received.

The threats of prosecution that HUD makes to private citizens who speak out against its plan to move the "working poor" into middle class neighborhoods reminded me of *The Ominous Parallels* (with fascism) that Leonard Peikoff wrote over a decade ago. Cisneros and Achtenberg are from a long line of zealots who believe that altruism is something to be extracted from those who actually work. Never mind that free citizens have the right to not give a damn about the poor, the homeless, the whatever. Never mind that altruism is not a

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constitutional value, and that it truly exists only in private acts of personal generosity.

When conservatives fail to oppose state altruism on principle (fearing the obloquy of superior souls) they are countenancing an evil premise. Once the premise is established, all that remains in dispute is its price tag.

What is needed to combat the incipient fascism of agencies like HUD, FDA, EPA, etc. are more selfish, special-interest organizations like the National Rifle Association.

—Norman Ely
Byers, Colorado

Mr. Bovard's piece on Henry Cisneros's HUD scams was excellent. However, I must ask why there is a "white male" pictured on the cover with a Section 8 voucher. I am a social worker and I can assure you that 95 percent of Section 8 recipients are female, a majority of them being black or Hispanic. Minority women with children are the people who get Section 8 housing vouchers, not white guys with bandannas. I hope you're not going P.C. on us!

—Thomas Ford
Colton, California

Attracted by your cover story by James Bovard, I purchased your September issue. This is the first issue of the *American Spectator* I have examined closely. I read something that dismayed me and that I feel compelled to bring to your attention.

In the box at the bottom of the contents page the following sentence appears: "In accordance with the rights *granted* by the First Amendment and as a matter of policy, the opinions expressed in the magazine are those of the authors and do not necessarily reflect the views of the board of directors." (Emphasis added.) I was unpleasantly surprised to see this statement in what I understand to be a conservative magazine.

The Declaration of Independence and the negative wording of the Bill of Rights show that rights are granted not by government but rather by man's Creator, and that the purpose of government is to secure these inalienable rights. Your wording, which would turn a right into a privilege bestowed by government (and therefore subject to repeal by government), displays the serious misunderstanding of the Bill of Rights that I expect from liberals and similar deplorable creatures.

I submit that "granted" should be replaced by "secured" or "protected."

—David V. Walden
Des Plaines, Illinois

James Bovard replies:
David Walden's point is an excellent one, and the editors have already corrected the fine print in the contents-page box.

I'm grateful for the many supportive letters, and also for those less supportive. As for these critics: Thomas Ewing apparently believes he has explained away the perennial failures of HUD by labeling any critic of federal social engineering a racist. If it's that simple, why are middle-class blacks in St. Louis fiercely opposed to having Section 8 recipients placed in their neighborhood? Ewing is correct that exclusionary zoning policies have sometimes had a racist impact. Many suburbs have imposed unjustified one-acre or five-acres per house zoning requirements that price

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the vast majority of Americans out of their locale. But the fact that local governments often intentionally screw up their real estate markets is no reason to give federal bureaucrats unlimited power to inject welfare recipients into the neighborhoods of HUD's choice. Besides, HUD has a long history of exhorting and subsidizing local governments to impose stringent zoning codes—thereby creating many of the same problems that Section 8 is supposed to counteract. The solution is to decrease the power of government officials at all levels over housing.

I appreciate John McClaughry's correction on the intent of Section 235. I did not read the 1968 legislative history of the bill; most of my research focused on the program activities and effects in the early 1970s, when it was widely perceived as a "free homes for welfare mothers" monstrosity. It taught Congress an important lesson: giving people perpetual rent subsidies was less politically offensive than giving them free homes outright. Thus the birth of Section 8 in 1974. It's too bad that McClaughry, with his well-recognized understanding of liberty and responsibility, did not have a greater impact on the formulation of federal housing policy.

Dale Booth writes that my article tries "to gain the high ground for conservatives." But Section 8 is not a question of "conservative" vs. "liberal." Rather, it is a question of individual responsibility vs. social chaos. Reagan and Bush officials lavished far more praise on the ideal of Section 8 than was justified. Booth claims that the most important aspect of the Section 8 vouchers is "a real and more natural integration of the haves and the have-nots." Again, this misses the point: the issue is not haves and the have-nots but workers and nonworkers/welfare recipients. Besides, HUD has created myriad rules that bring out the worst behavior of many Section 8 recipients—and leave landlords and neighbors practically defenseless against the problems.

Booth favors using Section 8 to move welfare recipients into affluent housing so that "mainstream Americans" can "become de facto social workers." If Booth is so inclined, he is welcome to spend his time urging Section 8 neighbors to stop beating their kids and throwing trash on the front lawn. But such a decision should be voluntary, not dictated by bureaucrats and political hacks.

Lest anyone still think my article too extreme, consider the Massachusetts supreme court's ruling last July 22 that a pyromaniac has a "constitutionally protected property interest" in his eligibility for subsidized housing. I rest my case.

E-Mail Evolution

Tom Bethell is right that huge questions remain about the origin of life on earth ("E-Mail Evolution," *TAS*, July 1994), but the evolution of humans from earlier primates is not one of them. It is Mr. Bethell's prerogative to remain unconvinced by any particular "scrap of bone," but in fact we have many scraps of bone (complete skulls among them) in a sequence beginning with *Australopithecus afarensis* 4 million years ago, continuing with the larger-brained *Homo habilis* 2 million years ago, the still larger-brained *Homo erectus* and allied forms starting 1.5 million years ago, and culminating with fully modern humans within the past 200,000 years. These fossils were dated with the same physics that we use to design nuclear reactors. Disputes about the age of any one of them are unlikely to change the big picture of a human line stretching back millions of years to an ancestor more ape-like than we are.

Other evidence establishes our primate lineage as well. The DNA-based science that permits a court to hold that *this* man fathered *this* baby also tells us that humans and chimpanzees are closely related—more so than either is related to orangutans.

I cannot choose sides in the contest Mr. Bethell recounts between "Christian intellectuals" and "metaphysical naturalism," because there are more things in heaven and earth than dreamt of in either philosophy. The Christians are right that humans are not inanimate matter, that humans are sinful and need the moral constraints that our progressive age seems intent on destroying, and that science, like anything human, is fallible. On the other hand, anyone familiar with animals (chimps, dogs, lions, or eagles, for example) knows that they are not inanimate matter either, and that it is empirically plausible—and no insult at all—to acknowledge them as cousins of ours.

—Gregory A. Inskip
Wilmington, Delaware

Tom Bethell's "E-Mail Evolution" reminds me that as a conservative I am, disturbingly, in the company of mystics. The bridge to objective thinking from the naive adoption of various liberal tenets in my early youth was provided by author Ayn Rand. She, like Darwin, would be considered a "materialist" and she expressed her uniquely conservative values from an explicitly atheistic viewpoint.

I take issue with Mr. Bethell's reference to the theory of evolution as accepted "fact." Evolution is simply the most plausible construct given the evidence available. Faulting the theory's supposed paucity of "proof," Bethell certainly would have trouble digging up one shred of evidence for creationism.

Mr. Bethell cites the failure of various attempts to accelerate the evolutionary process to discount Darwin's life work. This only illustrates a poor understanding of the scope of the process. Further, observing the population fluctuations of a moth species, even over several decades, is neither a suitable demonstration nor disproof of evolution. Consider the small but obvious changes that have occurred in the human species over the past few millennia, let alone the past few million years. We continue to evolve, I hope.

—Theodore J. Hordeski
Roslyn, Pennsylvania

After some critical remarks about the Institute for Creation Research, Tom Bethell makes some excellent points about the lack of scientific evidence for evolution. He cites natural selection as a tautology, limited variability of species, lack of viable mutations, the peppered moths, and the materialistic philosophical foundation of evolution as explained by Mr. Phillip Johnson.

These scientific points were probably new and helpful to many of your readers and editors. Not to me, however; I have been reading about them in depth for years in the publications of . . . the Institute for Creation Research.

—Ronald Smail
Duncansville, Pennsylvania

I realize Washington is a long way from Santee, California, but I would think a competent journalist like Tom Bethell could invest in a long distance call to eliminate his obvious ignorance of the evolution/creation battles. Either Dr. Henry Morris or Dr. Duane Gish, both with the Institute for Creation Research, could have told him of their many debates with evolutionists. These debates, held mostly on college campuses, were intended as confrontations between sci-

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entists with the issues and tools that would be common to both sides, but, as Mr. Bethell notes, ". . . arguments were often footnoted to the Bible. . ." However, *and without exception*, the issue of Bible interpretation was first introduced by the evolutionist! Having failed to establish credibility with a scientific argument, the evolutionist resorted to forays into unfamiliar territory, hoping, I'm certain, to belittle his opponent with a display of "scientific" disdain for matters spiritual.

No, Mr. Bethell, such people soon learned that they could not "smile indulgently" at the arguments of men like Drs. Morris and Gish. After word spread of the common humiliation experienced by the evolutionists, ICR found, about ten years ago, that debates could no longer be scheduled.

—W.H. Shope
Santa Ana, California

Tom Bethell's creationist sympathies in *E-Mail Evolution* run contrary to the tradition of skepticism in Conservative thought. He should read Mencken, starting with the Alistair Cooke anthology *TAS* once mailed as a subscription bonus.

Like Mencken, I regard evolution as a fact. Firm scientific evidence dates the oldest rocks at 3.5 billion years, the Earth and Solar System 4.5 billion years, the oldest stars in the Milky Way 13 billion. These age limits are all facts rooted in the hard sciences of radioactivity and spectroscopy: no touchy-feely biology here.

Geologic evidence of single-cell life goes back 2 billion years, but the first complex plant and animal organisms appear as fossils in the Cambrian, some 500 million years ago. Temporally successive rock strata . . . contain successive generations of fossils.

Bethell correctly points out that biology answers how one species begets another distinct species with "just so stories." Okay, let us posit Divine creation of each species. Why did God spread the creating over more than 500 million years instead of in a week as the Good Book says? Suppose *Genesis* is factual instead of mythic. Why did God sow the Universe and the Earth and its rocks with so much evidence of age and of a progression of life forms over time? To divide the conservative movement?

So-called Scientific Creationism is not E-mail agonizing over species generating mutations. It is a movement to put the Fundamentalist teaching on Genesis, 6,000 year old Earth and all, into school science textbooks. As a scientist, I regard this as bad science, and as a Catholic Christian, I regard this as bad Bible scholarship. As a conservative, I believe that if you can swallow creationism, you can believe that the government can provide universal health care without taking away fundamental liberties, that the Man from U.N.C.L.E. can bring world peace with that Egyptian playing the part of Mr. Waverly, and that the Clintons are virtuous people.

—Paul Milenkovic
Madison, Wisconsin

Tom Bethell seems to delight in trying to resuscitate scientific anachronisms. After failing to overturn Einstein's Special and General Theories with the so-called Gallilean Electrodynamics last year, he's at it again attacking Darwin and the whole basis of evolution. Here's a bulletin: It's over, Tom. The creation argument lost a century ago, and decades of discovery have only strengthened and amplified the case for evolution. Kick back, have a Snapple, and learn something about the scientific process.

There are so many fallacies and twists of logic in the article that one cannot hope to cover them all in a letter. Science attempts to come up with descriptive and predictive theories to explain the phenomena that confront us. It is the religionists who are making it an "either-or" contest, as science takes no position on the divine, which is not testable or falsifiable. The hypothesis is not necessary here. What Bethell dismisses as speculation on flimsy evidence with the usual tactic of out of context quotes and wishful thinking, is in fact a tidal wave of disciplined research and evidence favoring Darwin. It comes from all fields, the strongest being genetics, on which Bethell is strangely silent. What it boils down to is that some people find the notion of evolution distasteful. The burden of a better theory is on them, and I saw no evidence of their "facts" or competing model coming forth. . . .

—Ron Pasini
Auburn, Washington

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For those of us who have followed Philip Johnson's work on Darwinism with interest, Tom Bethell left one question unanswered in his July essay. Forgetting about all the disagreements and "exasperation," and granting that God could hardly be a "subjective add-on to a naturalist picture of reality," what about the possibility that "evolution" is very definitely one of His tools or mechanisms? Instead of Terry Gray's belief that "God's handiwork was implemented by evolution," why not a belief that "God has utilized evolution in His handiwork"? What would be atheistic about that?

Sure, there are still missing links (a *lot* of them), and divine creation has a strong case, but there also seems to have been a process of natural selection and adaptation at work. Why are modern women so beautiful or why are some peoples taller or of different colors? And then there were the light and dark moths, of course. God works in mysterious ways and some naturalistic if not evolutionary change seems certainly to have played a role, even though this needn't lead us to conclude that all living things evolved from the same cell. Why not just accept this natural process as part of God's plan, whose purpose we humble servants have yet to perceive? It may be that both Johnson and Bethell already share this assumption, but it wasn't clear from the article.

—Ed Chynoweth
Sanger, California

I was quite pleased to find Tom Bethell tackling the sticky issue of evolution in his July column, especially given the alarming number of "enlightened" conservative atheists who might squawk. Mr. Bethell is correct in suggesting that the blind watch-maker crowd inexplicably castrates an otherwise all-powerful God.

To Mr. Bethell's excellent comments I might add that the Darwinists have been somewhat disingenuous in considering the consequences of their theory for the doctrines of natural rights and individual moral worth. In fact, it is difficult to justify any moral code at all if we humans are only the lucky and temporary top of the cosmic muck heap. To my knowledge, only the nationally known (im)moral philosopher James Rachels at the University of Alabama at Birmingham has attempted to deal with these difficulties. He accepts evolution as axiomatic and concludes that, by golly, we're no better than the animals after all. Rachels's solution is to extend our rights down to the animals; he does not explain why we ought not instead extend the animals' lack of rights up to us.

Obviously the necessary philosophical consequences of the doctrines of origins cannot determine which doctrine we accept. However, ideas do have consequences, and the advocates of evolution ought to own up to the devastating consequences their theory implies for our status in the moral universe.

—Jason Baldwin
Birmingham, Alabama

When I opened the July *American Spectator*, a publication which I presume is written by products of the American school system, and found an article on the lack of proof for Darwin's theory of evolution, I felt a frisson of excitement. It's such fun to live when the paradigm is changing!

Leave it to that old panacea, technology! Wacky establishment ideas are being by-passed via the chaotic chatter of Internet, just as the Roman Curia's were 500 years ago when printed books appeared. Communication is indeed the name of the game.

Tom Bethell correctly identifies the Establishment's underlying assumption of materialism as the bug-a-boo that has led it into a dead end, a dark alley where the stubborn presence of truth and other strange phenomena must be denied, ignored, or surpressed.

Anybody with a brain can figure out that the Mystery of the Universe is bigger than all of us. Why then does the Establishment think that Darwin's quaint nineteenth-century theory should be unimpeachable? Nonetheless, we have always instinctively believed in some kind of evolution. Spiritual evolution is a basic truth of all the great religions, though the vocabulary differs. They agree that the material world is an emanation of the Divine Mind, the Heavenly Father, the Force, Whatever. When Jesus prayed, "Thy Kingdom come, thy will be done on earth," could his prayer have gone unanswered?

—Sylvia Simpson Genske
Marbella, Spain

Tom Bethell replies:
The scraps of bone allegedly demonstrating hominid evolution can be placed in almost any sequence, their dating involves large assumptions, and the claim that we know any one bone is ancestral to another is wishful thinking on the part of those who (usually without saying so) are wedded to materialism. DNA sequences show degree in similarity, not ancestral lineage.

Theodore Hordeski may note that Gregory Inskip thinks there are no remaining questions about human evolution. All the best-known promoters of evolution (Richard Dawkins, S.J. Gould et al.) do refer to evolution as "fact." So does Paul Milenkovic, by the way. Yes, Ayn Rand and H.L. Mencken were atheists. But why am I expected to agree with them?

I agree with Ronald Smail's excellent letter. If he and W.H. Shope want to say that the Institute for Creation Research has played a useful role, I won't argue with that.

Ron Pasini discerns a "tidal wave of disciplined research and evidence favoring Darwin." Wow. If only I'd known. But why didn't he identify just one item of that evidence, or just one of my fallacies and out-of-context quotes.

Ed Chynoweth says that there are a lot of missing links, but it would be closer to the truth to say that there are no known links. What species did cats or dogs evolve from? We don't know. You can substitute any animal you like for "cat" and "dog" and get the same answer. The first fossil bats have echo-location equipment and we don't know what they evolved from. Maybe they didn't evolve at all.

Why do we have to argue that evolution was God's way when we don't have any evidence for evolution? And if you're going to bring God into the picture, why bother with evolution at all? The whole purpose of evolution was to get rid of God. The word "inexplicably" in Jason Baldwin's letter should be replaced by "deliberately." But I agree with Baldwin about the philosophical implications. If the races evolved, maybe some races are more evolved than others. Doctrines of racial superiority stem directly from evolutionary theory. Egalitarian evolutionists such as Steve Gould have had a tough time with that. For the egalitarian, "All men are created equal" makes far more sense than evolution.

Sylvia Genske is right about the liberating effects of the new technology. E-mail discussion allows people who didn't know of each other's existence to get together

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and compare notes. The dominant news media have sustained the pretense that opposition to the dogma of evolution was mere religious prejudice. Now we know better. It is the ringleaders of evolution themselves who are animated by prejudice: prejudice against religion.

When Bert Lance Calls . . .

T. Bertram Lance of Calhoun, Georgia, telephoned recently to point out a conflation in my account of his involvement with the Bank of Credit and Commerce International. I confused two meetings and so, in my August piece on Hillary, Refco, and BCCI, placed him in Little Rock at a conference he says he did not attend.

As described in a 1978 law suit, the meeting in Little Rock in early November 1977 actually involved a senior BCCI officer named Abdus Sami, Jackson Stephens, and employees of Stephens, Inc. Sami was there ostensibly as the representative of BCCI client Ghalth Pharaon, a Saudi businessman, who was buying Bert Lance's stock in the National Bank of Georgia in Atlanta. Stephens Inc. was acting as Lance's broker.

In the course of the visit, according to the document, Jackson Stephens suggested another investment to Sami. Stephens was on the board of Financial General Bankshares, a multi-state bank holding company based in Washington, D.C., and his faction was trying to oust the incumbent managers. He told Sami it would be an attractive opportunity for investors such as Pharaon. Sami took material on FGB back to BCCI headquarters in London, and reported to BCCI founder Agha Hasan Abedi, who decided to pursue the investment.

The meeting between Abedi, Lance, and Stephens occurred on the last weekend in November, in Atlanta, not Little Rock, as I erroneously reported in the August issue. Sami also attended, along with Swaleh Naqvi, Abedi's number two man. The principal purpose was to discuss the sale of Lance's NBG stock to Pharaon, but, according to an affidavit sworn by Sami, Stephens and Lance also touted the FGB investment. As a result of the meeting, Abedi instructed Naqvi to set aside $1.35 million to buy a block of FGB stock. Thus began the BCCI's interest in what became First American Bankshares, later to be chaired by superlawyer Clark Clifford.

In 1991, the Federal Reserve charged that BCCI had illegally acquired control of First American and NBG (later merged into the First American chain). Trustees for the bankrupt BCCI pled guilty to the charge. The Fed declared that Pharaon was a front man for secret BCCI control of NBG, and he is now a fugitive from state and federal bank fraud indictments. Sami is believed to have returned to his native Pakistan, where he is unavailable to American investigators. Naqvi is now serving a prison term in American custody after a controversial plea bargain with federal prosecutors (described in the September issue).

Although the purport of the story is not changed, I apologize to Mr. Lance for the imprecision and sympathize with his desire to put his 1970s BCCI connection behind him.

—James Ring Adams
The American Spectator
Arlington, Virginia

Let Us Not Pray

Grover G. Norquist is off the mark in lumping ADL's recent report on the Religious Right with various politically motivated criticism ("Hate Trick," *TAS*, September 1994). The ADL document does not condemn religious conservatives in general, or the Christian Coalition in particular, for their perfectly legitimate political activism. Rather, our report expresses our profound—and just as perfectly legitimate—concerns about efforts, often deceptive and harmful in our view, to undermine the crucial separation of church and state in America, and to promote sectarian religious doctrines in the public schools, among other things

The ADL report, in fact, emphasizes: "Like anyone else, evangelical Christians have the right to organize, to run for office, to lobby, to boycott, to demonstrate, to attempt to implement their views. More than that, a healthy democracy encourages and depends on their doing so . . ."

It states that the Coalition's "commitment to local conservative politics represent[s] a remarkable democratic exercise," and calls the Religious Right's grassroots organizing "an exceptional exercise of political commitment."

Mr. Norquist's gratuitous and dismissive reference notwithstanding, the ADL book is not a "cut-and-paste collection of attacks." It is the result of months of painstaking independent research and writing.

We have not sought to "demonize" the Religious Right, nor climbed aboard any other bandwagon seeking to do so. Religious conservatives have every right to raise their voices in political activity as well as in prayer. The latter, however, does not confer special immunity upon the former; ADL's dispute with the Religious Right involves *secular* issues, not theology. Legitimate criticism of the political views of religious people should not be confused with intolerance.

—Abraham H. Foxman
National Director, ADL
New York, New York

Grover G. Norquist replies:

When I wrote that the ADL's book, *The Religious Right: The Assault on Tolerance and Pluralism in America*, was a "cut-and-paste collection of attacks," maybe I wasn't clear enough. The book is a mean-spirited, dishonest, shoddily researched and produced cut-and-paste collection of attacks. Former Minnesota Sen. Rudy Boschwitz, an honorary ADL vice-chairman, says the book "paints an unfair and inaccurate portrait of conservative Christians," and adds: "I know this report to be ill-founded."

I called the ADL office while writing "Hate Trick" and spoke at length with David Cantor, listed as the book's author. Mr. Cantor admitted he didn't call any of the individuals attacked or question any of the clipping-supplied quotes used against them. He never called Rabbi Daniel Lapin, who is attacked as "strident" for speaking to the Christian Coalition. He never checked with such Jewish conservatives as columnist Don Feder or Christian Coalition executive director Marshall Wittmann (whose name, incidentally, is misspelled in two different ways in the report). A high school journalism student would display greater competence.

Oddly, Mr. Foxman fails to mention that he has already apologized in writing to Pat Robertson for two major errors. It might interest readers of the report that the ADL now considers parental choice in education—the use of vouchers for public and private schools—to be an extremist attack on the First Amendment. By attacking supporters of parental choice—more than 70 percent of Americans—the ADL makes all of us members of the Religious Right. ❐

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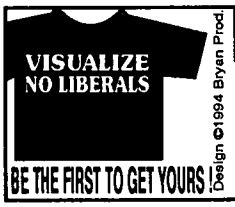

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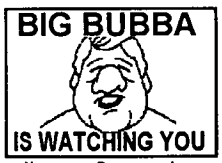

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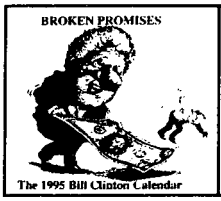

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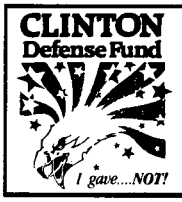

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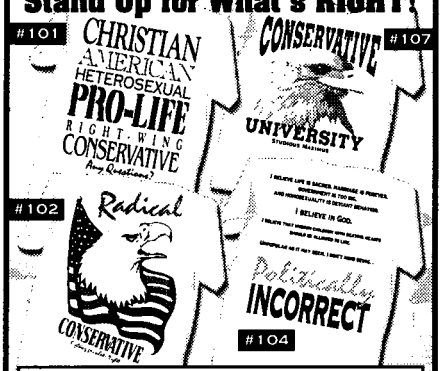

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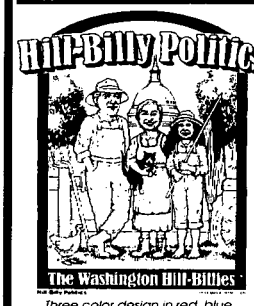

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CURRENT WISDOM

SF Weekly

In the correspondence page of a celebrated weekly, the stentorian voice of an Optimist:

My appreciation goes out to Sia Michel for her article on female violence ("The Crazy Life," Aug. 3). It was a refreshing jolt of media honesty that put the flailing statistics of recent news coverage into perspective. Yes, female crime rates are on the rise, but so are those of male offenders. To all the Sgt. Hortons (of the SFPD) who claim that girl-gang members are now a problem because "they're not just assaulting other females, they're assaulting males," and the *Times* of London which states that girls are getting meaner and they have "an air of self-confidence that's almost selfish and menacing," I say: "It's about time."

[August 24, 1994]

New York Times Magazine

The English language, tortured, bled, and put to death by Miss Toni Morrison, Nobel laureate:

Q: In your acceptance speech you spoke against "unyielding language content to admire its own paralysis"—language that "suppresses human potential." Some of your critics thought you were using the Nobel ceremony to advocate politically correct literature.

A: You know, the term "political correctness" has become a shorthand for discrediting ideas. I believe that powerful, sharp, incisive, critical, bloody, dramatic, theatrical language is not dependent on injurious language, on curses. Or hierarchy. You're not stripping language by requiring people to be sensitive to other people's pain. I can't just go around saying, "Kill whitey." What does that mean? It may satisfy something, but there's no information there. I can't think through that. And I have to use language that's better than that. What I think the political correctness debate is really about is the power to be able to define. The definers want the power to name. And the defined are now taking that power away from them.

[September 11, 1994]

Wall Street Journal

Before laughing off this letter to the editor, remember how Americans laughed when they first read Betty Friedan:

With respect to your defamatory editorial that attempted humor over the wanton and vicious murder of a poor defenseless rodent (or the Latin *mus* as the name "rats" prefer to call themselves) at the hands of a white human male who is 100 times the size of the victim, I must protest ("Oh, Rats!" Aug. 11).

It is well and good that you beat your breasts in justification that the "grandfather" was only protecting his grandchildren, but this is at the expense of another fact. The poor murdered creature was simply foraging for food to feed her own family, certainly less a threat than, say, a raccoon. Would you express a similar satisfaction had farmer MacGregor caught and killed Peter in Beatrix Potter's "The Tale of Peter Rabbit"? I rather doubt it. But Peter was a rodent, too.

MUS, or "rats," if you insist, have a particular problem. They are not considered attractive because of their long and hairless tails. Their close cousins, mice on the other hand, receive greater understanding, and even respect. A mouse was responsible for creating a multibillion-dollar international company that trades on the New York Stock Exchange. Sadly, due to human prejudice as exhibited by your editorial, this would not have been the case had he been named "Dickey Rat."

"Oh, Rats" can be said as a curse, but it can also be expressed as a plea for mercy, compassion and understanding. It would be best for us all to remember we are all God's creatures, and therefore not editorialize that some exterminations are more justifiable than others.

Billion Basp
President
MUS Anti-Defamation League
New York

[August 31, 1994]

Newsweek

Critic Jonathan Alter, in praise of lowered standards, and now let's hear it for Muzak:

On the day her resignation was announced in the *New York Times*, Anna Quindlen's column was a perfect illustration of why newspaper readers will miss her so much. The ostensible subject was the Barbie doll. Before Quindlen's 1990 debut, explaining "why there's no PMS Barbie" might have been considered beneath the standards of the *Times* op-ed page. Now it's another example of the new standard she set.

[September 19, 1994]

Anchorage Daily News

The correspondence page of an esteemed Alaskan paper receives a godly missive, apparently from an adept of the Christian left:

Well, it appears that these yelping packs of rabid rightist jackals just won't rest. After their miserable failures attempting to use the Arkansas State Troopers and Whitewater to undermine the administration, we have Paula Jones and alleged sexual harassment.

Though I believe the issue of sexual harassment to be a serious one, these latest charges are of course courtesy of these same, woeful ultra-rightist "'smear-icians" who gave us those earlier attacks. One is Cliff Jackson, a rival of Clinton from way back. Another is David Brock, a poor and shameless excuse for a journalist brought to us by *The American Spectator*, a laughable charade that attempts to pass as a "conservative" magazine but is really the territory of the neo-Nazi radical right. And of course, there's Rush Limbaugh himself, who really believes only in enlarging his fame and bank account as a loyal lackey parroting a dominant cultural mode to the mass of simplistic bottom-feeders on the right.

It's understandable that these rabid rightist jackals will ceaselessly continue their slimy attacks in order to try to regain their lost influence. But couldn't they come up with something a little less flimsy and transparent?

[June 5, 1994]

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The Oregonian
(Portland, Oregon)

Miss Ingrid E. Newkirk, Grand Kleagle of People for the Ethical Treatment of Animals, proves that leftists, too, can admire family values:

Left to their own devices in their homelands, elephants are highly social beings that enjoy extended family relationships; aunts babysit, mothers teach junior life skills such as how to use different kinds of leaves and mud to ward off sunburn and insect bites, babies play together under watchful eyes, lovemaking is gentle and complex . . .

[August 31, 1994]

Detroit Free Press

It is the autumn of 1994, and out of the Michigan countryside a female *fascista* lets out a roar for feminist journalism's Mussolini:

How can you like a woman who writes two columns a week for the *New York Times* op-ed page, wins a Pulitzer before she's 40, raises three children, publishes two novels, cooks her husband eggs Benedict every Sunday morning with home-baked ham and manages, she says, to read recreationally for about three hours each day?

I have for a long time privately resented Anna Quindlen. She is a year older than I am, but comparing my life and work to hers, I seem small and inadequate, and so does every other woman whose life I know.

A well-meaning editor made it worse when, trying to persuade me to begin a column of my own, he proclaimed, "You could be the next Anna Quindlen!" . . .

When I went to hear her speak in Macomb County two years ago, a thousand other women were there, too, their faces glowing with what looked like unalloyed admiration. . . . Anna stood poised and lovely at the podium, wearing pearls and a fresh, clear complexion. Her hair hung thick and long—beautiful. She spoke with dazzling self-assurance, answering tough questions with ease and grace, and making people laugh. . . .

Now, this week, a stunning choice: Anna Quindlen announced she is quitting the *Times* in December. . . . Will I feel relieved to be rid of twice-weekly intimidation? Will I be able to awaken on Saturday without having to read Anna's astutely articulate column, without imagining her baking ham for tomorrow's eggs Benedict?

More likely the ghost of Anna Quindlen will haunt my small insecure self, the one that would rather be her, for the rest of my life.

[September 15, 1994]

Los Angeles Times

Mr. Jackson Browne of the famed choral ensemble reveals a sociologist's turn of mind and an aesthete's appreciation of Disneyland in another philippic against hateful Orange County:

Jackson Browne arrived reluctantly in Fullerton at age 12, and left eagerly at 17.

In between, he earned a superfluous diploma, class of 1966, while nursing a general, but not absolute, loathing for Sunny Hills High School.

In the eyes of Clyde J. Browne, as he is listed in a yearbook that notes no clubs, no activities, no honors, nothing at all beneath his name, the conservative, affluent school was being run to stifle the '60s, to keep out any whiff of the excitement and change that the era's most aware and creative teen-agers strained to sniff. Sunny Hills' purpose, he felt, was to uphold a tidy Orange County vision of clean-cut appearances and straight unquestioning right-thinking—something it accomplished with considerable success. . . .

Browne says he hated it when his parents, Jack and Bea Browne, moved their three children from the old Los Angeles suburb of Highland Park to a house on the edge of the new Sunny Hills subdivision.

"I was popped down in a sort of very sterile tract-home community. I sort of had contempt for the entire decision to move there. They sort of bamboozled me by saying it was near Disneyland, but I didn't have any choice in the matter.

[August 25, 1994]

New York Times

A debonair explanation of how Irving Kristol and The Right took over America from historian Sandi Cooper:

Whether or not the "public intellectual" is an original addition to American civic life or a variant on a familiar tune, your August 9 news article ignores the serious dangers that privately financed think tanks pose to a democratic society.

The bald fact is that a vast number of well-publicized conservative voices are supported at privately financed research institutes. The corporate money sustaining institutes and think tanks is not granted to support criticism of the system.

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[August 12, 1994]

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Barnes-storming

"With the machine guns of the enemy we shall return, and they will be dumbstruck," Jean-Bertrand Aristide announced to Haitian listeners of his U.S.-funded radio propaganda network, two weeks before U.S. troops landed in Haiti to restore him. "The enemy" is living up to expectations. As we go to press, emerging details indicate that the ten Haitians killed by American troops in Cap Haïtien on September 24 did not fire first, as was originally reported, but were mowed down in a moment of panic. Aristide, meanwhile, has gone AWOL for days at a time, and Americans are indeed dumbstruck.

A week into its most unpopular deployment of troops in decades, the U.S. is showing itself unable to establish a human rights record superior to that of the "thugs" it arrived to replace. Killings by the Haitian military—and sympathizers only marginally under its control—ran at 14-25 per month until this spring, according to the Haitian Chamber of Deputies' Human Rights committee. Five days into the U.S. occupation, at least a dozen were dead, with indications that the violence was rising. Not surprisingly, since invasion had as a driving force the Black Caucus's desire to focus attention away from domestic issues, the occupying forces busied themselves fixing Haiti with all the policies—like gun-buyback programs—that have been such a rousing success in the American inner city.

Polls show American support for a role in Haiti falling, and confidence in Aristide falling, too. Gen. Raoul Cédras, on the other hand, was hailed as "honorable" by Gen. Colin Powell scant days after the *Los Angeles Times* released a poll showing that Powell was the person in America most likely to be viewed as a hero across economic, social, and racial lines. Cédras is also benefiting as the invasion settles, retrospectively, some of the contentious questions of the past year. The left has always argued that Cédras "reneged" on the July 1993 Governor's Island agreement that would have returned Aristide to power a year ago. Cédras countered that the agreement was a *sequence*—his turning over of power was contingent upon the passing of an amnesty law, which Aristide had refused to support. Today, the unconcealable outrage of the Aristide camp at anything less than total vengeance seems to bear out the military version.

One could have predicted as much, but the buildup to the invasion was muddled by some appalling reporting. Virtually every expert hauled out to argue for the invasion was either part of the Aristide team of advisers, or *paid* to support it, or both. Michael Barnes, Aristide's hired lobbyist, was a case in point. In the teeth of public curiosity, Barnes had dropped his fee to $27,500 per month, but for the bulk of his time with Aristide his billings started at $55,000 a month, plus expenses, and often reached six figures *monthly*. Barnes is fond of talking about how Haiti's police state was harming the Haitian poor, but even assuming Haiti's 1,200 policemen were earning the pre-embargo per capita income of $36 a month—a generous assumption—Barnes in his heyday was taking considerably more out of Haitian government coffers *than the entire Haitian police force*. Ted Koppel nonetheless introduced Barnes on "Nightline" merely as one who has been "working for democracy in Haiti for the past 20 years." Nice work if you can get it.

The low point in Haiti journalism came with Rick Bragg's self-refuting September 9 story in the *New York Times* on the systematic killing of orphans. "The littlest orphans are spared," Bragg wrote. "To shoot them would be too much of an outrage." In other words, orphans *weren't* being systematically slaughtered. The "orphans" in question were up to 18 years old—that is, men. Only one killing was documented, though "thousands" were alleged, and there was only one source for the story: a certain Robert Delano, who like Fr. Aristide ran an orphanage. (Orphanages are a magnet for international aid money and hence political power in Haiti.) That didn't stop Al Hunt and other journalists from repeating the story on television, and President Clinton threw it into his potpourri of rationales for invasion on September 15. Clinton also repeated with rel ish the claims of "politically motivated rape (also "systematic") that had been exposed a Aristide-camp propaganda in cables from hi own State Department. As for the other bi rationale—a tidal wave of Haitian immi grants fleeing political repression—a Reuter dispatch from Guantanamo reported that fe refugees have any plans to go back even wit Aristide's return. As the occupation entere its second week, 211 of 14,000 refugees ha "volunteered" to go back.

In August Aristide, having run throug virtually all of the $53 million he took int exile three years ago, put a request befor international lending agencies in Paris fc $770 million over fifteen months. It will ce tainly be a precondition of Aristide's retur The Aristide government's unprecedente arrears, and the unwillingness of the multi lateral banks to proffer more than $440 mil lion over a *five-year* period when they last me to discuss such a loan in July 1991, make shortfall of $660 million almost inevitabl One assumes that the World Bank will kee its wits, and allow the U.S. to put it on the tab

The request envisions no role for the pri vate sector. The only funds the central gov ernment does not control directly will b administered by local "communal authori ties." Apologists such as Taylor Branc who claim that Aristide will respect the fre market should look at the Paris document or at the remarks of the gorgeously name Aristide adviser Marx Aristide, who ha announced that the restored governmen would press to raise the Haitian minimun wage from 15 cents an hour to $5 a day— which would constitute a de facto disman tling of the private export sector.

The killings at Cap Haïtien will not b the last. And as they continue, th administration will begin to claim that th situation on the ground has changed, that n one could have predicted the course the mil itary operation would follow. In fact, th occupation is proceeding exactly as levele heads have predicted: it is a logical fina step in a progression that began wit Aristide's own politics. With economic pro grams that were the work of Marxist Leninist advisers, with attacks on demo cratic institutions and his exhortations t violence, Aristide effectively launched civil war, which the military—dependin on one's view—either averted or, wit extreme brutality, won. Now that Aristid has been reintroduced with enough firepow er to challenge the armed settlement, the sit uation is picking up where it left off.

—Christopher Caldwel

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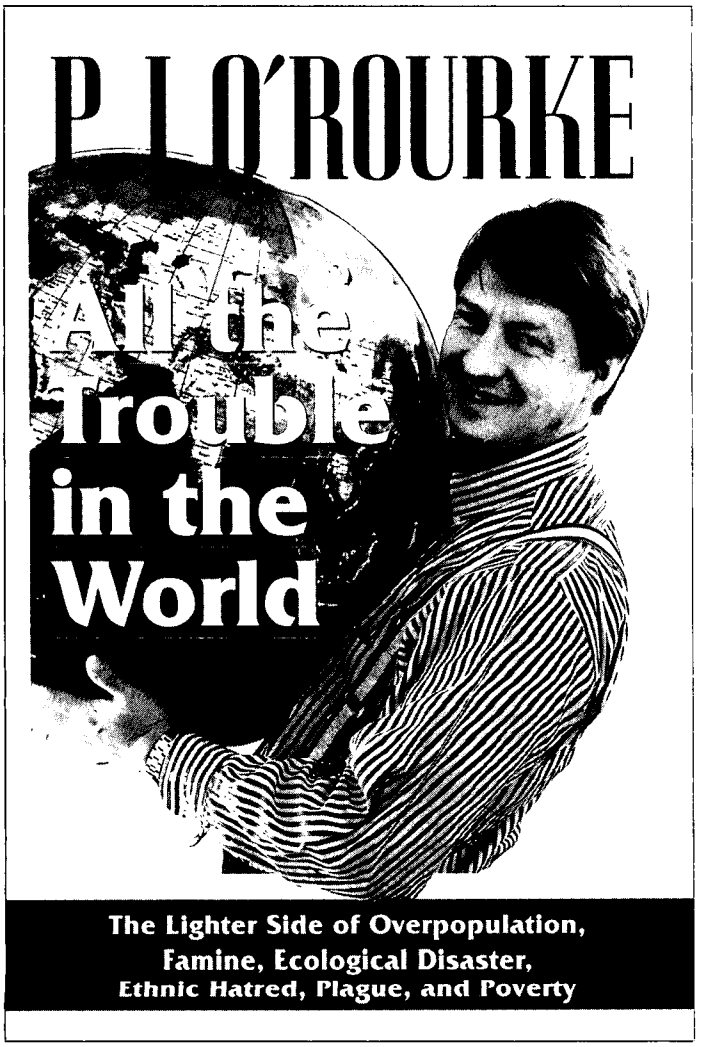

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